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The Solicitors' Journal.

LONDON, OCTOBER 24, 1874.

IT IS PRETTY GENERALLY UNDERSTOOD that the state of Mr. Justice Honyman's health is such as to render it improbable that he can resume his judicial duties, and that he is likely to be succeeded in the Court of Common Pleas by Mr. J. W. Huddleston, Q.C.

WE PRINT ELSEWHERE full reports of the first provincial meeting of the Incorporated Law Society, and we give in another column the impressions of a very competent observer as to the success of the experiment; but we may add here that a general opinion among those who attended from the metropolis seems to be that while the papers were instructive and the discussions useful, the social part of the meeting was by far the most remarkable. The Leeds Law Society's banquet was memorable for sumptuousness, and Yorkshire hospitality was alike beyond praise and measure. The result of the gathering has undoubtedly proved the wisdom of the establishment of provincial assemblies. But we must add that, before another is held, it will be desirable to define rather more exactly the line of action they are to assume. Are they to be meetings for discussion merely, or for controlling the action of the Council? At present no one seems to understand very clearly what is the proper function of these provincial gatherings.

MANY BERLIN JOURNALS, in commenting on the case of Count Arnim, have demanded that the proposed Judicial Procedure Bill shall "adopt the English system of absolute publicity from the first examination of the accused to the last." The private inquiry before a grand jury so almost universally follows a public inquiry before a committing magistrate, and the power of a committing magistrate, under 11 & 12 Vict. c. 42, s. 19, to order that no person shall have access to the room in which a preliminary examination is taken (which is not to be deemed an open court) if it appear to him that the ends of justice will be best answered by so doing, is so little exercised, that the Berlin estimate of English criminal procedure is practically correct. The public administration of justice is a chief guarantee of liberty, and it is not surprising that Berlin reformers should demand it at the present juncture. The secrecy of the procedure has no doubt increased the suspicion and dislike with which the arrest of Count Arnim and the domiciliary visits have been regarded, and these have called forth such violent comments from a portion of the German press that the judge of the Berlin Metropolitan Court has thought it becoming to draw up, and the German Government has thought it becoming to publish, an official justification of the proceedings, declaring that the vote of the court was not preceded by a sitting of the Cabinet or Foreign Office, and that the judges "will never be found to obey any but the dictates of law and conscience in dealing with the cases before them." Such a manifesto is, we believe, almost unprecedented in judicial history, and it must be regarded as an unfortunate state of things when a court thinks public opinion too important not to be entitled to an explanation, and yet possesses so little of its confidence as to find an explanation necessary. It is to be observed that the articles of the Penal Code which are set out in the elaborate statements published by the semi-official organs prove beyond a doubt the power of the court to make the arrest and continue the detention, but neither those articles nor the manifesto of the judges can demonstrate to an incredulous public that the judicial discretion which they confer has been honestly exercised. We do not insinuate or suppose that it has been exercised otherwise, but we point out that publicity can alone secure to courts that confidence without which the exercise of a discretionary power is always liable to suspicion.

The provision of the Penal Code under which it is understood that Count Arnim is to be charged is Article 348, which enacts that "A public servant authorised to draw up and sign public documents, who purposely inserts into such a document, or into public registers, a false statement—such statement being one having legal importance—is liable to imprisonment for not less than a month. The same penalty to be awarded to a public servant who purposely destroys, removes, tampers with, or falsifies a public document officially intrusted to his keeping, or officially accessible to him." We may observe that, with us, statute 24 & 25 Vict. c. 96, s. 30, makes it a felony to steal or to take for any fraudulent purpose from its place of deposit or from any person having the lawful custody thereof, or to cancel, obliterate, injure or destroy any document belonging to any court of record or relating to any civil or criminal proceeding, or "any original document . . . in any wise relating to the business of any office or employment under her Majesty, and being or remaining in any office appertaining to any court of justice or in any of her Majesty's castles, palaces, or houses, or in any Government or public office." How far this would apply to such acts as those with which Count Arnim is charged, we need not discuss; the phraseology of the Prussian statute differs materially from that of the English, and difficulties might arise here with respect to the locality of the offence which are not admitted by Prussian law (see *Geib, Lehrb. des Deut. Strafrechts*, vol. ii., p. 51, and *Allg. Landrecht. Einl.* § 38). But we believe it is the only provision of our criminal law relating to the case, except so far as the unusual, but thoroughly constitutional, remedy of impeachment may be reckoned as forming part of our criminal procedure. The importance, in a constitutional sense and in the interests of liberty, of requiring offences which are peculiarly political in their nature, and which do not require the speedy action of the ordinary tribunals, to be heard and determined upon by a branch of the Legislature and at the instance of the representatives of the people, needs no comment. In England it would be practically impossible for rival statesmen to carry on their personal or party warfare by the weapons of the ordinary criminal law.

THE CORONER'S JURY impanelled upon the inquest held over the bodies of the men who lost their lives in the great explosion on the Regent's Canal have now returned their verdict, and have recorded their opinion that the explosion was caused by the ignition of the vapour of benzoline by fire or light in the cabin of the *Tilbury*, and that in the stowage or transport of the cargo the Grand Junction Company omitted proper precautions, and were guilty of gross negligence. Whether this opinion will be hereafter sustained when the question comes to be litigated in a civil court (as seems likely to happen) remains to be seen, and whatever opinion we may entertain, it would be wrong at the present moment to discuss the question in any other than a speculative manner.

In that sense we published a fortnight since some remarks on the legal views which might be presented, and pointed out some nice questions which might arise out

of the impending litigation. We need not now repeat what we have said, but it may be worth while to notice a view which prevails in some quarters, and which seems to be founded upon a misapprehension of several recent decisions. It appears to be thought that, because a railway or canal is made under statutory powers, all the acts of its owners done in the course of using it, are also done under statutory powers, and with an immunity from legal liability, which otherwise they would not enjoy. The fallacy of this is at once seen when the question is asked, What is it that the Legislature has really authorised? A railway scattering sparks abroad, or making terrific noises in the immediate neighbourhood of a highway, or shaking people's houses about their ears, would at common law be liable to an action, or to an indictment, as the case might be. But the running of trains with locomotives being expressly authorised by the Legislature, the noises which would be an indictable public nuisance cease to be such (*Rex.* v. *Pease*, 4 B. & Ad. 30); the emission of sparks causing danger to the neighbourhood, which might be an indictable offence (*Reg.* v. *Lister*, 1 Dear. & B. C. C. 209, 5 W. R. 626), and might even be restrained by injunction (*Hepburn* v. *Lordan*, 13 W. R. 368, 1004), is so no longer, and the damage caused by it (without negligence) does not constitute a ground of action (*Vaughan* v. *Taff Vale Railway Company*, 3 H. & N. 743); and the vibration communicated to neighbouring houses is not an actionable wrong (*Hammersmith Railway Company* v. *Brand*, 18 W. R. 12, L. R. 4 H. L. 171). Similarly, the gathering together of a body of water into a canal being expressly authorised by statute, no action can be maintained for any damage which (without negligence) may result from it (*Dunn* v. *Birmingham Canal Company*, 21 W. R. 266, L. R. 8 Q. B. 42). The principle is well expressed by Blackburn, J., in delivering his opinion in the House of Lords in *Hammersmith Railway Company* v. *Brand*, 18 W. R. at p. 18, L. R. 4 H. L. p. 196). "If the Legislature authorise the doing of an act (which if unauthorised would be a wrong and a cause of action) no action can be maintained for that act, on the plain ground that no court can treat that as a wrong which the Legislature has authorised, and consequently the person who has sustained a loss by the doing of that act is without a remedy, unless in so far as the Legislature has thought it proper to provide for compensation to him. He is, in fact, in the same position as the person supposed to have suffered from the noisy traffic on a new highway at common law, and subject to the same hardship. He suffers a private loss for the public benefit."

But it is a fallacy to suppose that because a person has power by statute to do certain things which without the statute he could not legally do, or could not do without incurring a liability for their natural and probable consequences, he has a statutory authority to do all those acts which the things so authorised afford him the means of doing. The statute enables him to do certain things, and, so far as concerns things so done, protects him from liability for their consequences; but there it leaves him, and with respect to the use which he makes of these advantages he is in no different position from any other person who does the same things. If a statutory power were given to store or carry gunpowder in a way which would otherwise be unlawful, or even in a specifically defined mode (which was duly observed), the principles laid down in the above cited cases, would be applicable; but if the only authority given with respect to the storing or carriage is an authority to exact a certain rate of tolls, or the like, the principles are not applicable, and the question must be determined on independent grounds.

The question (and it is a nice one) is, first, whether a man is liable for the injury to his neighbour's house caused by an explosion on his own land of gunpowder stored there by him; and secondly, whether it makes any difference that he is carrying the gunpowder along the road. And in considering the latter question, the further fallacy must be avoided of comparing the case to that of accidents happening in the use of the road to others using the same road. A man is not liable for injury done, for instance, by his horse running away (without negligence on his part) and knocking over a foot passenger or running the shaft into another horse; but it has never been decided that if a man's cow jumps over the hedge and trespasses on an adjacent field he is less liable than he would be for the like trespass off his own land.

THE CASE of *Morrison* v. *Thompson* (22 W. R. 859, L. R. 9 Q. B. 480) affords an illustration of what we have on several occasions maintained, that the main difference between law and equity is not in principle but in procedure. There has been a very general impression (sanctioned by a note to Co. Litt. 117a., note 161) that if an agent acts for his own interest in the conduct of his principal's business, and by violating his fiduciary duty obtains a profit for himself, the principal is entitled in equity to claim the profit which the agent has unduly made, but that at law his only remedy is to sue the agent for any damage which he can show himself to have sustained by the agent's neglect of duty. Such damages might sometimes amount to the sum which the agent had made for his own profit, but they need not, and in many cases it would be difficult, and in some impossible, to show that they ought to be so measured.

In *Morrison* v. *Thompson* the plaintiff had employed the defendant as his broker to purchase a ship for him. The vendor had employed another broker, named Scott, to sell the ship, on the terms that if Scott could sell it for more than £8,500 he might retain the excess. The defendant bought it for the plaintiff through Scott, under an arrangement by which the defendant was to receive £225 10s. of the purchase-money, being part of the excess which Scott was entitled to retain under his agreement with his own principal. The plaintiff was held entitled to recover this sum from the defendant as money had and received to his use; and in delivering the judgment of the court, Cockburn, C.J., after referring to various authorities, lays down the law as follows:—"In our judgment the result of these authorities is, that whilst the agent is bound to account to his principal or employer for all profits made by him in the course of his employment or service, and is compellable to account in equity, there is at the same time a duty, which we consider a *legal* duty, clearly incumbent upon him, wherever any profits so made have reached his hands, and there is no account in regard to them remaining to be taken and adjusted between him and his employer, to pay over the amount as money absolutely belonging to his employer. This was precisely the case with regard to the money in question acquired by the defendant in the course of his employment without the knowledge or sanction of the plaintiff. It was actually in his hands, subject to an immediate duty to hand it over to his employer. Under these circumstances, the money, being the property of his employer, can only be regarded as held for his use by the agent, and must consequently be recoverable in an action for money had and received."

YESTERDAY WEEK a discussion arose at the Marlborough-street Police-court, before Mr. Knox, in which Mr. Edward Lewis and Mr. Froggatt took part, as to the admission of articled clerks to attend the court professionally. It appears that there is no uniform rule on this subject at the several Metropolitan Police-courts; that at some articled clerks are allowed to appear, while at others they are not. Mr. Knox intimated that a meeting of the magistrates would shortly be held, when the matter would be fully considered and some decision arrived at. Upon the whole, we think that articled clerks should not be allowed to act as advocates. They are not permitted to do so in the county courts, and the business transacted at the police courts is not less important than that which occupies the

former tribunals. There are, no doubt, some articled clerks —for instance, those who may be articled late in life after having spent some time in a solicitor's office—who are fully competent to conduct cases at the police-courts; but the majority are young men, whose first experience and knowledge of the law dates from the day on which their articles commenced. But this is just one of those questions which the Council of the Incorporated Law Society should take in hand; and we cannot doubt that any decision at which they might arrive, would materially influence, if not determine, the conclusion to be come to at the contemplated meeting of the metropolitan police magistrates.

THE LEEDS MEETING.

[FROM OUR SPECIAL CORRESPONDENT.]

The attendance at the first annual provincial meeting of the Incorporated Law Society at Leeds, on Wednesday and Thursday last, was, notwithstanding the unfavourable state of the weather, probably as large as could be expected; the distance from London no doubt prevented the attendance of many London solicitors. The Council was ably represented by Messrs. Bircham, Clabon, W. Ford, Williams, and others, and most of the provincial law societies were represented by their respective presidents, who appeared, more or less, in the discussions which took place, to express the considered views of their constituents. Probably the attendance would have been larger if the Courts of Quarter Sessions had not been sitting in various parts, and the meeting must not again take place during the time these sessions are being held. In future years, especially when it becomes known how advantageous in many respects these meetings are, and how agreeably and satisfactorily the time passes, and as their value and importance are better understood, a larger attendance may be expected, and, I may add, will be desirable.

Some anxiety was felt as to the way in which the President would acquit himself, seeing that he was placed in a position which had not hitherto been filled by any of his predecessors. Was he equal to the work before him? Would not his address be dull and heavy? were questions which some asked themselves. But as is often the case, the opportunity makes the man, and the very fact that he must do what he has undertaken, compels him to do his best, and thus not seldom secure a success beyond his own expectation. So, no sooner had Mr. Bircham opened his most admirable address, than all cause for anxiety disappeared, and, characterised as it was throughout by those noble and lofty sentiments which ought to animate every member of the profession, and by that "sound common sense" which, as Lord St. Leonards in his Handy-book observes, is far better than "enlightened sense," it justified and secured the attention, if not the acceptance, of all who had the pleasure of listening to it. Mr. Bircham succeeded in introducing in a very happy manner that spice of humour which, when given with point and force, is so acceptable in formal addresses of this kind. The topics in it were well chosen, and judiciously handled, and although Mr. Bircham stated that he was a President without a precedent, still he has managed to leave one which, at least so far as regards the effect produced upon its hearers, his successors will find it difficult to imitate and almost impossible to improve. It was a matter of regret that Mr. Bircham was unable to preside on Thursday, and in future it is to be hoped that the President will be able to remain throughout the meeting. His place however was well supplied by Mr. William Williams in the morning, and by Mr. W. Ford in the afternoon.

The hour of meeting on Wednesday was unfortunately not fixed until eleven. There seems no reason why it should not have been at ten. Most of those present arrived in Leeds the night before or came by an early train on Wednesday morning, and the loss of an hour was not compensated by any convenience it may have been to some to begin at eleven. The usual discussion followed at the close of the President's address as to the place and time of the next meeting. Liverpool was proposed and Oxford was named, and it was feared at one time that the place of meeting would then be settled, but wiser counsels prevailed, and a resolution was passed thanking Liverpool for its invitation, and recommending it to the favourable consideration of the Council. No doubt the next meeting will be at Liverpool, but it seems hardly wise to select two places for consecutive years in much the same locality. It would have been better to take the next meeting into an entirely fresh district. This question, however, ought to be in some way settled before each meeting is held, and I would suggest that those who desire to offer an invitation should send it to the Council, so that they might consider the question, and announce their determination as to the place of the future meeting at the previous one. The meeting should also be held rather earlier, so as not only not to clash with the quarter sessions, but not to be too near the close of the Long Vacation, when business is recommencing and the weather is not so certain, which latter circumstance materially interferes with the arrangements of those who wish to visit places of interest in the neighbourhood of the meeting.

In stating the course of business to be pursued, the President intimated that the Council would be glad to consider any suggestions or recommendations which might be made to them by the meeting. I am not sure whether the effect of this had been fully considered beforehand, and whether it is wise for formal resolutions to be passed, especially if there is not unanimity, and no previous notice is given. This point will, I trust, be carefully thought over by the Council before the next meeting. There is something to be said on both sides, but it is hardly fair to absent members, even though the meeting be regarded as a sort of branch meeting of the society, to allow it to go forth that a resolution was passed soliciting the Council to adopt a particular line of action, when it was scarcely understood that any such course would be adopted. It should be remembered that the primary object of meetings of this kind is not to legislate but rather to hear and discuss, and to allow the papers read and discussions to exercise influence upon those who hear them, without asking them to bind themselves to anything. It will be seen that the papers on "Barristers, Solicitors, and Legal Education, and Remuneration of Solicitors," could not be read for want of sufficient time, and that Mr. Clabon had to omit some parts of his valuable contribution on the subject of legal education. It will therefore, in future, be necessary either to select fewer subjects, or to reduce the number of papers on each subject, or in some way to limit the discussion, which by the way was far from being unimportant. It was perhaps unnecessary to have four papers on the Land Titles and Transfer Bill, assuming that the other subjects were to be dealt with. It must be disappointing to any member who has prepared a paper to be deprived of the opportunity of reading it. This will in some way be met by the papers being printed, as I understand the whole proceedings at the meeting will be. It will not be wise to stop the discussion on the papers, but the President should exercise, in this respect, somewhat more control in future, if as much business is to be gone through as was set down for consideration at Leeds. There cannot be a doubt that the papers were valuable contributions, well delivered, carefully prepared, and the subjects exhaustively treated. Great praise is due to Mr. Clabon and Mr. Johnson for the admirable manner in which they each handled the subject of land transfer and registration; and it is much to be desired that, when printed, these papers may fall into the hands of some of our legislators. Registration in some form is no doubt inevitable, but it must be permissive only, and, as the President suggested, there must be power of withdrawal. It is, we believe, in the power of the Council to protect the public in this respect from the anxiety of those

who ought really to know better, but who, fearing, but unjustly fearing, the opposition of solicitors, suppose it to be their wish to retard progress and nullify a really valuable measure. By all means have registration if it is really demanded, but do not let the ambition of men high in office, desirous of associating their names with some large Act, be gratified the sacrifice of what is just and right. The Council, aided by solicitors and the provincial societies, must put their shoulders to the wheel, and, by persistent effort, secure that any measure of land registration shall not be compulsory until it has been tested by experience. The question of local registries is one, perhaps, not of so much importance at present, and though a resolution in their favour was adopted, I am not sure that they are so generally desired as at first sight appears, and if they are waived it may be one way of gaining the point that registration shall in the first instance be permissive only. The first day's meeting fittingly closed with a vote of thanks to the President.

I must not omit to note the liberality displayed by the Leeds Law Society in the acceptable lunch which they provided each day in a room adjoining the hall, to which, by the way, full justice was done; nor must I forget the magnificent banquet given by them in the evening at the Great Northern Hotel, where upwards of one hundred and fifty sat down to a sumptuous dinner, and received a most cordial welcome. The guests did not take their departure till a late hour, but, lest it should be supposed that the serenity of anyone was in consequence disturbed, it should be added that the dinner was served rather late. I was glad to observe the presence of many not immediately connected with the Society, and not least among them our humorous friend the Mayor, who—by reason, we suppose, of that being, as he admitted, his ninety-seventh dinner during the year—omitted to render to solicitors all the justice which in his more serious moments, I firmly believe, he would be the first to acknowledge they deserve.

Mr. William Williams presided at the meeting on Thursday, when Mr. Thomas Colborne, of Newport, Monmouthshire, read a well prepared paper on powers to assign and restraints upon the transfer of leasehold property—just one of those smaller topics which it is well to introduce, and which called attention to circumstances unknown to some who were present. It led to a useful discussion, and in the result a resolution was passed recommending the subject to the Council's consideration, as well as that of the clause sometimes inserted, requiring underleases and assignments to be prepared by the lessor's solicitor. I doubt if it was strictly in order to introduce this latter recommendation, but since it appeared to be the wish of the meeting, Mr. Williams allowed it to be done. But care should be taken not to allow extraneous subjects, however near they approach the topic under consideration, to interfere with the matter immediately in hand. I could not help being struck with the fact that many present did not seem to be aware of the recent decision of the Court of Exchequer as to the operation of the clause usually inserted in leases qualifying the covenant restricting alienation. This case should be known to all practising solicitors, and they are hardly to be excused for not being familiar with it. An exhaustive paper on the Judicature Act and Rules was read by Mr. J. H. E. Gill, of Liverpool, which it was evident he had carefully studied. At the conclusion, he proposed a series of resolutions asking the meeting to express its opinion in favour of the admission of the county courts into the new system, the establishment of district registries for all purposes, the trial and hearing of cases in the provinces continuously, and for altering the areas of the local registries as defined by the Act. These resolutions led to a brief discussion, especially on the point whether they were in order, and if so, whether it was right for the majority to bind the meeting on so important a subject, and whether it would not be better simply to remit them, with the discussion, to the consideration of the council. It having been decided by a large majority to express an opinion upon them, the resolutions were carried, and the discussion on their merits, short as it was, was not without interest. I doubt whether as much consideration was directed to the resolutions, supposing them to be in order, as should characterise a meeting of lawyers expressing an opinion which may be quoted hereafter, and may fetter the hands of the council. The provincial members were evidently in favour of the resolutions, and at one time there seemed to be the possibility of the meeting degenerating into one simply for country solicitors; but any tendency in this direction was very properly corrected by Mr. Shaen, of London, who reminded those present that the meeting, though held in the country, was one of the whole society, which knew no distinction between country and town members, and was open to all. It would be a great mistake, if not a misfortune, if it were otherwise. The town member has no opportunity of attending any other meeting, except the annual one, where the business is of a formal character and scarcely touches upon the topics discussed at the country meeting.

It was a matter of regret that Mr. Clabon was compelled to shorten his really excellent and well considered paper on Legal Education and Lord Selborne's Bill. At the conclusion of it, a resolution was passed approving of the provisions of the Bill, and requesting Lord Selborne to prosecute the same, and the Council to promote it. It was further carried that a copy of the resolution should be forwarded to Lord Selborne. Votes of thanks to the Leeds Law Society, the Local Committee, the Readers of the Papers, and the Philosophical Society were passed unanimously. Never have votes of thanks been so well deserved, for never has any society so well provided for the wants of its guests; seldom have more carefully prepared papers been presented, and seldom has any local committee so successfully arranged!

In the evening the members were invited to dine at the houses of different local solicitors, afterwards to return to a *conversazione* at the Philosophical Hall, which, with the excursions made yesterday to Fountains Abbey and Clumber, formed a fitting termination to a pleasant and successful gathering.

Leeds has done and deserved well. She has set an example which Liverpool may envy, but will not find it easy to emulate. She will long live in the recollection of those who were present and took part in the first annual provincial meeting of the Incorporated Law Society, upon which not only that society but every member of the profession may be congratulated. It has been a decided success, and has entirely justified the amalgamation so recently effected between the two societies.

RECENT DECISIONS IN PRIVATE INTERNATIONAL LAW.

(Conclusion).

(10.) On the question of what law will be applied in an action arising out of contracts, we are told* (p. 133), but without any detailed narrative of decisions, that the general rule acted upon by the German Imperial Court is to apply the law of the place where the execution of the contract is to take place. At p. 135, however, a case is given which appears to be governed by this principle, the decision being that when the delivery of goods is to take place abroad, the law of the place where delivery is to be made, and not of the place to which they are to be consigned, governs the question of whether the contract has been duly fulfilled in respect of the quality of the goods sold.

On the other hand, where a contract was made between an Amsterdam and a Prussian house in the Amsterdam

* *Journal de Droit International Privé*, 1874.

cotton market for the sale by sample of cotton to arrive, it was held by the same court that the contract was to be interpreted according to the usages of Amsterdam, by which, on the cotton turning out inferior to the sample, the buyer was bound to take it with a compensation.

Both these cases are somewhat scantily stated. It does not appear where the cotton was to be delivered. Presumably the delivery was to be at Amsterdam, in which case the above-mentioned rule would have conducted to the decision actually pronounced. But the judgment does not appear to take notice of this circumstance, but proceeds upon the view that a contract made in a market is to be governed by the usages of the market, a rule which is constantly acted upon in the English courts. This rule would apparently control the first-mentioned rule; but in the first case it does not seem that the contract was made in any market, and the rule of the place of delivery would therefore operate without any restraint.

It may be considered as an application of the same principle that the German Imperial Court decides (at p. 133) that general average is, in the absence of express stipulation, to be determined by the law of the place of destination, or, if that port cannot be reached, of actual delivery; and it was accordingly held that, in the case of an American vessel consigned to Stettin, but forced by reason of the Franco-German War to land its cargo at Swinnemunde, the law of Germany, which divides general average between the ship, cargo and freight, was to be applied in the adjustment of general average, without regard to what the rule would have been at the place where the contract of affreightment took place. This rule is the one applied in the English Courts (*Simonds* v. *White*, 2 B. & C. 805), and is indeed described by Lord Tenterden in the case cited, as universally received; its reason is there well stated. Similarly, when the voyage is broken up, the law of the place where it is broken up is applied, as seems to have been done by the British Consular Court at Constantinople in the recent case of *Mavro* v. *Ocean Marine Insurance Company* (L. R. 9 C. P. 595), and as is implied in the decision in *Fletcher* v. *Alexander* (L. R. 3 C. P. 375). By Arts. 839 and 841 of the *Allgemeines Deutsches Handelsgetetzbuch* the same rule is expressly applied in the construction of policies of insurance. In the absence of special stipulation, this would not be so here, but the clause, "as per foreign adjustment," is now very commonly inserted in policies, and has the effect of covering the assured against any sums which he has to pay in respect of an adjustment of average at a foreign port, though according to a rule differing from the English rule (*Harris* v. *Scaramanga*, L. R. 7 C. P. 481; *Hendricks* v. *Australasian Insurance Company*, L. R. 9 C. P. 480; *Mavro* v. *Ocean Marine Insurance Company*, L. R. 9 C. P. 595).

(11.) On the question of what law is to be applied in the limitation of an action on an obligation, it is pointed out in a note to a case reported from Holland, that five different views have been taken:—(1) That the law should be that of the domicile of the creditor; (2) that of the domicile of the debtor; (3) that of the place of payment; (4) that of the tribunal; (5) that of the place where the obligation arose, the last-mentioned view being the one favoured by French jurisprudence. It will be remembered that the distinction has been taken in the English Courts between the limitation of actions, which is the form in which all our statutes on this subject relating to obligations are conceived (which statutes have been held to be part of the *lex fori*, and therefore to govern all cases brought before the tribunal), and prescriptions which extinguish the right. The English decisions have proceeded upon the language in which the English statutes are expressed. The mode of dealing with the question followed by those statutes is far the most convenient. If, however, the law of any country on this subject is not expressed in this mode, but in terms admitting the view that the obligation is extinguished, the question in what sense that rule is to be understood seems one to be determined by the courts of the country where it prevails; and if they determine that, notwithstanding the form of expression, it applies to the action, the same result is reached. In a case decided by the High Court of Holland (p. 141), reversing the decision of the court below, it was held that an action, brought in Holland, arising out of a testamentary obligation created in British Guiana, was barred by Art. 2004 of the Dutch Code (corresponding to Art. 2262 of the French Code, which, having regard to Art. 2220 cannot well be held to import the extinction of the obligation, since otherwise prescription could hardly be renounced, as by the latter article it can, and which, indeed, in terms refers to "actions"). The rule adopted is, that the law of the country "where the defendant resides" is the law applicable. The phrase is ambiguous. It may mean the law of the debtor's domicile at the time the obligation was created, or the law of his domicile at the time of action brought, or the law of the tribunal in which the action is brought. The use of the words "defendant" and "resides," instead of "debtor's domicile" induces us to think the last to be the true meaning, and this is confirmed by the following sentence, in which it is said, "this results from the fact that the laws which govern prescription, *like those which regulate the action itself*, constitute more especially a part of those laws which are to protect the inhabitants of a country against groundless and infinite actions." This appears to put these laws on the same footing with laws of procedure; and the reasoning would be illogical if any other sense were given to the words. It is material for foreign courts to know precisely what is the meaning attached by any country to their rules of prescription or limitation, because this may determine their own decisions on foreign contracts.

(12.) On the question of the application of the *lex loci rei sitæ* (passing over a case of stoppage *in transitu* of which we are promised a fuller report) it has been determined by the German Imperial Court (p. 131) that vessels of inland navigation, as well as seagoing vessels, have their *situs*, not in the place where they happen to be, but constructively in the port to which they belong. This is important when it is remembered that the principle generally adopted abroad is, that the *lex loci* is applicable to moveable as well as to immoveable property.

(13.) Lastly, we may notice further, with respect to negotiable instruments, one or two cases from Russia which had escaped our attention. It has been held (pp. 146—148), (1) conformably with the principle of *locus regit actum*, that a bill of exchange drawn and accepted in London on St. Petersburg is valid in Russia as a bill of exchange, although the Russian law, agreeing in this with the *Wechselordnung* (art. 4), requires bills of exchange to be expressed to be such on the face of them. (2) Conformably with the principle that the *lex fori* regulates matters of procedure, it is held that the question of what is the proper tribunal for entertaining an action founded on a foreign instrument depends not on the question what kind of tribunal (Tribunal of Commerce or Civil Court) would entertain the cause in the country where it was made, but on the law of the place where the action is brought. (3) It is held that the capacity of a Russian married woman to contract debts abroad is to be determined by the law of her own country, and that a bill of exchange accepted by such a person in France, though by the law of Russia invalid as a bill of exchange (for want of her husband's authorisation), is valid as an acknowledgment of a debt, by which a Russian married woman is competent to bind herself.

In concluding this notice of the very interesting contents of the last three numbers of the *Journal de Droit International Privé*, we may add that the last number contains (pp. 196-208) a summary of various English decisions reported in the Law Reports, with comments. Several of these seem to us hardly to touch upon international

law, though they may be interesting from the point of view of comparative jurisprudence. Nor are the comments always accurate. The effect of the decision in *Attorney-General* v. *Kwok-a-Sing* (L. R. 5 P. C. 179) was not (as the editor says) to give the accused immunity, but to send him for trial at Hong Kong on the charge of piracy; whilst a French court, though not an English one, might, if it pleased, have tried him for the murder committed on board the French ship; the question only was whether he was to be given up on the application of the *Chinese* Government. The importance of the decision in *Merchant Shipping Company* v. *Armitage* (L. R. 9 Q. B. 99) seems not quite understood; and the facts of *Gaudet* v. *Brown* (21 W. R. 420, L. R. 5 P. C. 134) are so inadequately stated as to misrepresent the effect of the decision. There is also a contribution from Sir R. Phillimore on salvage, which is neither very valuable nor quite intelligible. Finally there is a case from the United States (p. 214) which seems inserted only to show how far a court may go in disregarding, on a question of marriage, the law of the country (France) where, and between whose subjects, the marriage is alleged to have been celebrated.

LEGISLATION OF THE YEAR.

VI.

Great Seal Offices.

Cap. LXXXI.—*An Act to provide for the Abolition of Certain Offices connected with the Great Seal, and to make Better Provision respecting the Office of the Clerk of the Crown in Chancery.*

Modern legislation has made sad havoc among the snug little offices which used to cluster around the Great Seal. Clerk of the Hanaper, Chaff Wax, Deputy Chaff Wax, Sealer, and Deputy-Sealer, were long ago swept away; and now, by Cap. 81 of the present session, a few more of these retreats of modest merit are invaded by the rude hand of administrative reform. The first victim is the Messenger of the Great Seal. The gentleman who held this office at the time of the Chancery Commission described his duties as consisting in "the conveyance of election writs, peers' writs, proclamations for fasts and thanksgivings in Scotland, and writs for the election of peers in Ireland." He had also to convey writs of *supersedeas*, issuing from the Great Seal, to magistrates, and it was his duty, under the Chancellor's warrant, "to take up persons for contempt, either for not answering, or, in the case of infants, for not appearing; to take them into custody and bring them to the bar of the court to have a guardian assigned." All these duties, except that of delivering election writs, he discharged by deputy, and of their exhausting and engrossing nature some idea may be formed from the fact that in over nine years there were issued three writs of *supersedeas*, and that, on an average, there were about thirteen or fourteen captions for contempt in a year. "What legal means have you of securing your prisoner *in case of escape?*" asked—it is to be feared in an irreverent spirit—a member of the Commission. "I can have him handcuffed," replied the Messenger, apparently forgetful of Mrs. Glasse's excellent maxim. The powers and duties of this officer in relation to writs for the election of members of Parliament are to be transferred to such officer as the Lord Chancellor, with the approval of her Majesty, may appoint, and his other duties and powers to such officer as the Lord Chancellor may appoint.

Another office affected by the Act is that of Clerk of the Petty Bag. Formerly there existed three officials bearing this title, to whom, by 5 & 6 Will. 4, c. 82, were transferred the duties of the abolished offices of Cursitors of the Court of Chancery. In 1849 the three clerks themselves were abolished, and their duties concentrated in one officer, at a salary of £600 a year. These duties relate to the common law side of the Court of Chancery, and include the preparation of writs of summons to Parliament, *congés d'élire* for bishops, writs of *scire facias*, &c. The Clerk of the Petty Bag also keeps a book in which the name and address of every attorney must be entered before he acts as the attorney of any person in any proceeding on the common law side of the Court of Chancery (12 & 13 Vict. c. 109, s. 44). By the recent Act power is given to the Treasury, with the concurrence of the Lord Chancellor and the Master of the Rolls, to abolish the office of Clerk of the Petty Bag, and upon such abolition those of his duties (speaking roughly) which relate to the administration of justice, are to be transferred to such officer of the Court of Chancery as the Lord Chancellor may direct; or after the commencement of the Judicature Act, to such officer of the Supreme Court as may be directed by rules of court. The rest of his duties are to pass to the Clerk of the Crown in Chancery.

The Clerk of the Patents is also threatened with abolition. This officer has, we are told, generally speaking, to prepare "all documents to which the Great Seal is appended," as, for instance, writs to summon Parliament. Under the recent Act, which empowers the Treasury, with the concurrence of the Lord Chancellor, to abolish the office, the duties are to be performed by the Clerk of the Crown in Chancery. This latter office, which was prospectively abolished by 2 & 3 Will. 4, c. 111, on the death of the present occupant, is now revived. The present salary is £1,000, but it is provided that the Treasury may fix the salary of any future occupant of the office. Lastly (omitting various minor provisions), it is provided that on the death or resignation of the purse-bearer to the Lord Chancellor, that office shall be abolished, and the duties transferred to the Gentleman of the Chamber attending the Great Seal.

GENERAL CORRESPONDENCE.

The Real Property (Vendors and Purchasers) Act.

[*To the Editor of the Solicitors' Journal.*]

Sir,—The effect of the 7th section of the Real Property Vendors and Purchasers Act of last session has, I think, been very little considered by members of the profession, and the consequences of the change it will make in the law seem likely to be so mischievous that I would ask your permission to call attention to them.

The section provides that "after the commencement of this Act no priority or protection shall be given or allowed to any estate, right, or interest in land by reason of such estate, right, or interest being protected by or tacked to any legal or other estate or interest in such land; and full effect shall be given in every court to this provision, although the person claiming such priority or protection as aforesaid shall claim as a purchaser for valuable consideration without notice."

If the framer of the Act desired to put an end generally to the protection afforded by the possession of the legal estate, and had so drawn the section, the enactment would have been less, if I may use the term, eccentric, though still, as I would suggest, most objectionable, but the consequences of the section as it stands will be, to say the least, curious.

If, as the law stood prior to the passing of the Act, A., the owner of a freehold estate of the value of £20,000, borrowed £5,000 from B. on a legal mortgage of it, and subsequently wished to obtain a further loan of £5,000, B. might safely make the advance, since his further loan would have priority over any incumbrances subsequent in date to his first mortgage, and of which he had no notice. Or if B. refused to make the advance, A. could obtain a loan of £10,000 from some other person who, taking a transfer of B.'s first mortgage, accompanied of course by a conveyance of the legal estate, would stand in the position of first mortgagee for the whole £10,000.

But, as the law stands since the passing of the recent Act, A. could obtain no further loan from B., nor could he offer to any other person a security for any sum larger than that secured by the first mortgage. For how can B.

or any other lender satisfy himself that the equity of redemption has not been incumbered? And the further loan would have no priority over incumbrances created between the date of the first and second mortgages.

Again, the alteration in the law will not facilitate, but rather impede, the creation of second mortgages. No second mortgagee can be satisfied that the property is subject to no incumbrance except the first mortgage. Even if he have perfect confidence in the *bona fides* of the mortgagor, still in many cases the mortgagor may have forgotten the execution of some sweeping charge affecting the estate in question—as, for instance, where the estate has been charged in general terms as a collateral security. In practice it is not altogether unusual, where large temporary loans are required, for the borrower to execute a charge, including all his real property in a parish or a county, not by an accurate description but in general terms.

I might easily multiply instances of the inconvenience that the abolition of the right to tack will give rise to, and what was the disease that required so desperate a remedy? True, hard cases were not unheard of, where an incumbrancer obtained priority over a person having a charge prior in point of time to his own; but a very simple remedy for such an injustice might have been found. If, instead of abolishing the right to tack, the law as to priorities of incumbrancers on realty who have not the legal estate had been assimilated to the law as it affects incumbrances on *choses in action*, and a provision had been inserted in the Act that the priorities of equitable mortgagees should depend on the dates at which notices of their charges were given to the person in whom the legal estate was vested, and if an obligation had been thrown on the person seized of the legal estate to state, at the request of any person interested in the equity of redemption, what notices of charge he had received, a much more effectual remedy would have been provided than by so sweeping a measure as the 7th section I have quoted.

The state of the law will be curious. The doctrine that where the equities are equal the law shall prevail is not, save as respects that portion of it that relates to tacking, affected by the Act. It would follow that if A. lend money on Whiteacre on a mortgage that does not vest in him the legal estate, and subsequently B. lends money on security of the same estate and obtains a conveyance of the legal estate without notice of A.'s charge, B.'s security will have priority over A.'s. If, however, B. had, before A.'s security was executed, had the legal estate vested in him under a prior mortgage, B. would not have had priority over A. except for the earlier loan, as he could not have tacked his second mortgage on to the first.

I could easily point out other difficulties that the change in the law will give rise to, but I fear I have already trespassed too much on your indulgence.

H.

Articled Clerks at Police Courts.

[*To the Editor of the Solicitors' Journal.*]

Sir,—I see from the daily papers that the question has again arisen whether articled clerks should be allowed to appear as advocates at the Metropolitan Police-courts, and I hope this question will now be definitely settled, and the practice at these courts, in this respect, made uniform.

From time to time, I have thought the matter over, and I venture to submit, with some confidence, that solicitors' clerks, whether articled or not, ought not to be permitted to attend the Police Courts professionally.

No doubt, in some simple matters, it would be a convenience to the solicitor to be represented by his clerk; but I contend that the question cannot be treated as one of convenience, but as one affecting the community at large. Is it, or is it not, desirable that a solicitor should be represented by any person other than a barrister or a solicitor? I think not. There ought to be some guarantee that the advocate is some one respectable and responsible, and this end cannot be effectively attained, unless all persons except the barrister or solicitor are excluded. Articled clerks are for the most part young men, who, until articled, had no acquaintance either with the theory or practice of the law, and who cannot, therefore, possess the knowledge, experience, and discretion necessary to justify their being authorised to appear as advocates. They have ample opportunities to fit themselves for the duties of advocacy if, during their articles, they attend at the chambers of the judges of law and equity and in the open courts. But I do not consider, as it has more than once been urged, that articled clerks should be allowed to appear as advocates in our police courts, simply to educate themselves for those duties which, from the fact of their being articled, they are not presumed to be able to discharge until their period of probation expires.

Small though the dispute may appear, still, sir, I submit that the office of an advocate is one of so much importance and capable of rendering so much assistance in the administration of justice, even in our police-courts, that I trust the police magistrates of London will come to the conclusion that solicitors' clerks, whether articled or not, shall not in future be allowed to appear as advocates in their courts.

F.

LEGAL APPOINTMENTS, ETC.

Mr. Theodore Andrew Purcell, Q.C., has been appointed Chairman of Quarter Sessions for the county of Limerick, in the place of Mr. John Leahy, Q.C., deceased. Mr. Purcell was called to the Irish bar in Hilary Term, 1840, and became a Queen's Counsel in 1865. He is a member of the Leinster Circuit, and a Justice of the Peace for the City of Dublin.

Mr. Samuel Barrington Tristram, barrister, has been appointed an Assistant Inspector to the Local Government Board, and will act in the district comprising Northumberland, Durham, and the North Riding of Yorkshire. Mr Tristram was called to the bar at the Inner Temple in Trinity Term, 1872.

Mr. Maurice Barnard Byles, barrister, of the Norfolk Circuit, has been appointed a Revising Barrister, in the place of Mr. Charles George Merewether, disqualified by his election as M.P. for Northampton. Mr. Byles is the second son of the Right Hon. Sir John Barnard Byles, late judge of the Court of Common Pleas, and was called to the bar at the Inner Temple in Hilary Term, 1866.

Mr. Richard Jackson, solicitor, of Chorley, Lancashire, has been appointed by Mr. W. A. Hulton, judge, to be Registrar of the Chorley County Court, in the room of Mr. T. Part, resigned. Mr. Jackson was admitted an attorney in 1850, and is also clerk to the magistrates of Chorley.

Mr. Charles William Baylis, solicitor, of Worcester, has been appointed a Commissioner to take Affidavits in the Superior Courts for the counties of Worcester, Warwick, Oxford, Gloucester, and Salop, and for the cities of Worcester, Gloucester, and Bristol.

The following changes are announced on the Scottish judicial bench:—Lord Gifford, the senior Lord Ordinary, will become a member of the second division of the Court of Session, in the place of the late Lord Benholme. Mr. John Miller, the recently appointed Lord Ordinary, has assumed the honorary title of Lord Craighill. It is also stated that the vacant judgeship in the Outer House has been conferred upon Mr. John Marshall, advocate. Mr. Marshall is the son of the late Lord Curriehill, many years a judge of the Court of Session, and was admitted a member of the Faculty of Advocates in 1851.

Mr. Patrick M. Leonard, the newly-appointed county court judge, presided for the first time at Portsmouth on Monday, the 12th inst. Mr. Thomas Cousins, in the name of the members of the legal profession, congratulated his Honour on his appointment, and paid a high tribute to the merits of Mr. Gale, the late judge. Mr. Leonard acknowledged Mr. Cousin's congratulations, and stated that it would be in his power to consult Mr. Gale in the event of any questions of difficulty arising before him. His Honour added that he did not propose at present to vary any of his predecessor's regulations, but that he should be ready to hold additional courts whenever they proved to be necessary.

SOCIETIES AND INSTITUTIONS.

THE ANNUAL PROVINCIAL MEETING OF THE INCORPORATED LAW SOCIETY.

The first annual provincial meeting of the Incorporated Law Society was held on Thursday at the Philosophical Hall, Park-row, Leeds. The President (Mr. F. T. Bircham) took the chair. Among those present we observed Messrs. W. Ford, E. F. Burton, J. A. Rose, Wm. Williams, G. W. Barnard, W. J. Fraser, J. S. Torr, T. H. Bolton, E. W. Sykes, Edwin Hedger, J. H. Kays, W. B. Brook, Sidney Smith, and John M. Clabon, from London, G. J. Johnson, President of the Birmingham Law Society, C. T. Saunders, Arthur Rylands, J. Marigold, of Birmingham, R. R. Dees, E. Mather, and T. G. Gibson, of Newcastle-on-Tyne, E. Bond, President Leeds Law Society, and J. M. Barwick, Jun., W. G. Clark, F. H. Barr, Jas. Rider, Thos. Simpson, W. S. Ward, R. L. Rooke, Jno. Latimer, J. E. Smith, A, L. Booth, J. Clough, Capel Curwood, E. Butler, E. Wilson. W. Emsley, T. A. Spirett, J. W. Middleton, J. D. Kay, G. H. Wilson, J. S. Newstead, O. Scatcherd, J. Hopps, H. J. Carr, Thos. Dalton, E. M. Jones, from Leeds, T. D. Cooke, of Derby, Henry Barker, R. P. Berry, of Huddersfield, I. H. E Gill, F. D. Lowndes, H. Bramley, R. Payne, W. Radcliffe, Thos. Anson, J. Thornely, R. S. Cleaver, T. E. Paget (President of Incorporated Law Society of Liverpool), of Liverpool, Mr. H. S. Tayler, of St. Helen's, M. B. Wood, W. H. Guest (President of Manchester Incorporated Law Society), G. F. Wharton, of Manchester, Thos. Colborne, of New port, Monmouthshire, L. W. Winterbotham, of Stroud, President of Gloucestershire Law Society, Geo. Whitcombe, of Gloucester, F. T. Veley, of Chelmsford, J. Lewis, of Wrexham, R. Simey, President of Sunderland Incorporated Law Society, C. A. Wilkin, H. Mason, J. W. North, of Wakefield, C. W. Laurence, of Cirencester, F. Barlow, of Brighouse, W. N. Hartley, of Colne, G. H. Hill, of Cardiff, W. E. Shirley, of Doncaster, H. Bramley, of Sheffield, J. Case, of Maidstone, E. Payne, of Bath, H. Wright, of Keighley, H. Dunn, of Darlington, Vice-President of South Durham and North Yorkshire Law Society, C. McC. Swarbreck, of Thirsk.

The CHAIRMAN opened the meeting by reading the following address:—I find myself in the honourable and responsible position of Chairman of this meeting with mixed feelings of gratification and regret. I should be untrue to you and to myself if I affected to say that the latter feeling had overwhelmed the former, or if I did not admit that the occasion was one to me of high gratification; but I must also express my deep regret that when, for the first time, a president of this society is called on to preside at a provincial meeting of its members and friends, the lot should not have fallen on some of my abler colleagues. Amongst those colleagues there are men whose zeal, whose ability, whose knowledge, whose character for high motives would adorn this or any other presidency, and it is therefore to be lamented that it is not on one of them, rather than on me, that the privilege of taking the chair to-day should have fallen.

But if desire that this meeting should be the forerunner of many equally well attended, called together with equal kindness, and actuated by the same spirit, and if devotion to the just interests of our profession, zeal to uphold its dignity and extend its usefulness, are amongst the qualifications for an occupant of this chair, I am confident to claim that none of those about me is, so far, more entitled to your acceptance than the accidental president of the day.

Passing from what I trust may be to this meeting its sole subject for condolence, I will proceed to one or two topics of congratulation.

And first, I congratulate you that we meet in Leeds, not only because we are received with a glowing welcome and great hospitality, but because in Leeds we recognise one of our most active and successful centres of mental, social, and commercial energy; in Leeds former meetings, with kindred objects, have been held and have prospered, and in Leeds we find in beneficial operation one of our best Provincial Law Societies. Fitting, therefore, is it that we are in Leeds; and because her claims to stand in the first rank of those who beckon us on in our work of progress are so well vindicated by the mention of her name alone, I will leave this grateful topic with only a passing offer to her sons of the thanks which I am sure will be frequently and warmly repeated by my co-visitors for our reception, and for what we hope yet to receive.

I next congratulate you that our meeting bids fair to be successful, and promises an example of usefulness to future efforts in the same direction, and of usefulness likely to be extended by the oneness of design and effort which will result, in that there will no longer be two societies, heretofore working for the same general purposes, although not always by the same means or in the same direction. It was, I think, a fitting close of the separate career of the Metropolitan and Provincial Association that with the same generous impulse "to promote the interests of suitors by the better and more economical administration of the law, and to maintain the rights and increase the usefulness of the profession"—(I quote its own definition of its objects)—which has always distinguished its action, it should at length unite with the older society, and should in its last action only seek to insure the beneficial extension of its principles and purposes. May that older society, in assuming the mantle, not forget the increased responsibility imposed upon it.

But it cannot be out of place here to remind you, and especially our provincial members, that the retirement of the Metropolitan and Provincial Society and the recently-acquired power to extend the number of our Council with a view more particularly to increase the advantageous action of the society in respect of provincial interests, will fail fully to effect the intended benefit, if we do not obtain many additional country members.

Two facts will sufficiently illustrate this position—the number of members, town and country, who have, since the retirement of the other association, become members of this society is under 200; and when the council would, as the new charter permits, add to their number ten members as representatives of as many country Law Societies, they in 1873 could find but two such representatives qualified by being members of this society. In 1874 the opportunity has been better, but it has been by no means full; happily, however, we have been able to include my friend Mr. Bond, the president of the Leeds Society, a gentleman so much valued here, and whom the council welcome with every cordiality. It is to the provinces themselves we must look for that further activity and sympathy which can alone make the society represent exhaustively the mind of the country as well as the London Solicitors.

Being the first President of this Society who has been called upon to inaugurate the proceedings of such a meeting, I have to determine without precedent—a precedentless President—of what I should discourse; and I ask your kind forbearance whilst I hazard a few sentences about law and lawyers.

Doubtless there are those who, beyond the pale of our particular class, think towards lawyers and about lawyers with more or less of kindliness, more or less of justice, more or less of appreciation; but however they may in such respects regard us, they are no historians, no politicians, no economists, who have not recognised that, if to have good laws is a first want of a society, to have good administration of them—good lawyers, is a want scarcely second to the first.

The hope of increased good fellowship may well form a considerable basis for meetings of this kind. It is indeed well that practitioners whose common pursuits necessarily bring them together or across each other—perhaps in hard tugs of negotiation—perhaps in the struggles of more or less animated litigation, should also be brought together for cognate purposes when the tension of the bow is relaxed, should thus come to understand each other better, and whilst increasing their *esprit de corps*, should render their practice more courteous, and their example more worthy of men of education and refinement, and to whom is confided the carrying into practice of the great principles of a liberal profession.

But higher purposes than even these will ever underlie and form the principal objects of this and succeeding meetings; for lawyers exist not merely for themselves but for their clients and for society, and the main purpose of our meetings will be, as in the days of the Metropolitan and Provincial it has been, for discussions, incident to law and jurisprudence, by which public opinion may be formed and guided, by which the laws under which we live, and in

the administration of which we have so large a part, may become better adapted to the wants of society as it is—more convenient and more economical. As a necessary consequence, they and their administrators will be more respected.

Neither let me, in these higher aspirations, be misunderstood as if I valued lightly the peculiar interests of our common profession. These, however, will be the incidents rather than the purposes of our discussions; and in respect of them, whilst there are symptons of the times which we may gladly welcome, there are others which no strife of ours will alter.

It is clear, for instance, that we live in times and under circumstances which are day by day causing greater need for the aid of well-educated, clean-handed, and clear-headed lawyers—that this island of ours has day by day become more full of wealth, of intelligence, and of active operations, and that however the laws may be altered in favour of the much courted simplification on the one hand, or by being amended to reach the demands of our constantly extending relations and refinements, on the other, there will ever be work for lawyers who deserve work, ever need of counsel from lawyers capable of giving it, ever need to repose confidence in those who may be found incapable of abusing it.

And next, it is clear, that in these days of active thought, of never satisfied inquiry, of relentless requirement that everything shall be found really answering the purpose which it affects to answer, every machine—mental or physical—shall be moving its allotted weight with the least possible failure and the most possible effect, with the least friction and at the least expense, that no fruitless trees shall be cumbering the ground; every institution, every class must be content to find itself on its trial for usefulness, must be content to stand or fall, prosper or fail, as it may or may not be able to show that it is efficiently and without undue expense fulfilling its object and discharging its duties.

Indeed, every institution and class must now-a-days prepare itself for the inevitable conclusion that each is intended and made for the use of the great social world of which it is a part, and not—according to the selfish opinion which has been too prevalent—that such great social world is made and to be regarded as if contrived for the support and development of class interests.

If these views be sound, we cannot fail to see that the education of those who in days to come are to be the solicitors of England—(I advisedly avoid the term "attorneys," not because I the less esteem that older, that more old-fashioned title, but simply because it is moribund amongst us)—is a matter of the gravest importance to our profession and to society.

We solicitors may be pardonably proud that from us proceeded the first practically efficient effort to raise legal education from the state of utter decadence into which it had forty years ago fallen and remained. I am not intending to explore the practice of old, when the Inns of Court and Chancery were real seminaries of legal education, open to advocates and attorneys alike, or why they ceased to be so—or to inquire whether they or our universities were most to blame in that they, forty years ago, were practically teaching nothing of that jurisprudence, or of those laws which should be part of the education of every gentleman, as well as the peculiar education of lawyers. Neither will I grope after what the Inns or our Universities have done since, nor seek to explain why, after the lapse of time, it is found that for educational purposes the Inns of Chancery are not, and that the Inns of Court are, for barristers, and apparently for them alone; but it certainly was and is the more for the glory of *our* founders—(I fear to name any, for I should omit more),—that instead, forty years ago, of merely grieving over what had been lost to them, or calling for outside help, they designed and built up for their own class a really effective institution, and one which, both as a teaching and examining body, has effected a great purpose, has raised the status of our class, has laid the foundation for much more, and enabled the solicitors to hold their own in the great education question of the hour.

You will hear from an abler voice a paper on legal education. It needs no foil, and shall have no anticipation; but forgive me if I do not quit the subject without noticing what, with reference to it, appear to me the cardinal points or the attention prospectively of the Soliciter Body.

We have within ourselves a teaching and examining school which, if it be not all that it ought to be, is capable of every such development and improvement as, thinking and moving in the spirit of our day, its members may see fit to give it. I am far from saying that a national school of law, such in principle as Lord Selborne has proposed, would not be capable of effecting considerably more for us than we acting singly can effect for ourselves; but our position and our duty alike enable us and call upon us not to abandon what we have except in exchange for something which we can feel assured is to be distinctly better.

Let us therefore take care that our branch of the profession shall be adequately represented in the government of the school, so that not merely it may start, but shall for ever proceed upon what shall be, for solicitors, and those who employ solicitors, satisfactory conditions.

Next, let us see that there shall be an entirely equal position for all examinants, and that every honour, every degree or diploma, may be open alike to him who may afterwards choose to become a barrister, or a solicitor, or who may only seek to attain it as a mark of legal proficiency.

And whilst the school may well be an examining body, without whose certificate of legal proficiency no future barrister or solicitor can be admitted to practise, let us carefully pause before we allow solicitors to be involved in any necessity to accept it *exclusively* as a teaching body.

It might be very prejudicial that all articled clerks should necessarily attend lectures or submit to teaching in a London school of law. The additional expense would be great, whilst the enforcing on country clerks of a prolonged London residence might be not only costly but inconvenient. Take for instance the experience of the year 1872, which I have no reason to believe would differ from that of any other year. There were 659 candidates for final examination. Of these 410 had served their articles either wholly or partially in London, and to them therefore it might not have been inconvenient to accept the teaching of a Metropolitan school; but as many as 249 had only come to London for their examination, and we may confidently presume that to these (1 in 3 of the whole) to attend a London school of law would have been very inconvenient. On the other hand, I am justified in saying that the average attainments of country examinants would not compare unfavourably with the average attainments of the general body of candidates.

Furthermore, proper visitation of the school with a satisfactory definition of the duty of its visitors should be provided. (I wish we could stipulate for efficient examinations in common sense: but where would be the examiners?)

I am not intending to discuss whether Lord Selborne's Bill as he ultimately introduced it into Parliament contained fully satisfactory provisions on these necessary points. He had adopted into it several amendments suggested by our council, and I believe that it was intended fairly to meet our views; but I am sure that it is our duty to direct continued attention to these principles.

Interwoven to a considerable extent with this question of legal education are the future status and functions of the Inns of Court. Upon this subject discussion will be evoked by other members, and I pass it by: but I cannot repress one remark with reference to a point on which our branch of the profession must be unanimous; and it is this,—whether the Inns of Court shall remain as heretofore private societies, or shall be incorporated with statutory powers,—or shall apply their funds as now or under other regulations,—or whether barristers shall or shall not be made legally responsible to their clients for the performance of the duties they assume,—the Inns of Court shall at least no longer have the exclusive and irresponsible holding of the keys by which alone her Majesty's subjects can be admitted to become barristers, and by which solicitors can be and are locked out during the pleasure of the monopolists within. I have lived and will die an attorney, or a solicitor—having no wish to change my order, and not admiring the taste of those who think to achieve dignity, when, being solicitors, on retiring from active practice, or on accepting public solicitorships they proceed to eat their way to the bar. I speak therefore with no personal feeling, but the state of things to which I have been alluding is, in my judgment, alike without parallel and without justification, and to me

it seems high time that the public mind should be brought to bear on such an anomaly.

Seeing that Presidents of the Metropolitan and Provincial Association have at their meetings reviewed such of the legislation as they considered interesting to the meetings they were addressing, I venture, with great diffidence, upon the same path. Happily, however, for my hearers, the Council's Report of July last has largely anticipated me, and, more happily still, some of the subjects I might have otherwise felt it becoming to glance at, will be before you in separate papers. Permit me, however, briefly to notice the Real Property (Limitation) and Vendors and Purchasers' Acts—the lines of which are laid in entire accordance with the spirit and principles of our existing system of conveyancing. I receive these Acts as valuable amendments of our system, and I earnestly trust that the safety with which they may work will lead to further changes of the like sort, so that we may at no distant day have accomplished every simplification of title, every lessening of limitation, every brevity of assurances, which may be consistent with safety to the landholder.

Neither is this the less desirable, even although registration of title should be imminent. That great change—if indeed it shall be as great as its promoters believe—can only be introduced gradually, and the old system must at all events exist for a considerable period side by side with it. Labour, then—and I believe that the anticipated breaking down of our separate administrations of law and equity will greatly assist in the task—to get rid of the remainder of those subtle elaborations of our real property law which have from time to time been engrafted on our (originally) feudal system by our equity and our law, and which have been encouraged by the concurrent, but not always concurring, decisions of the courts administering these sister doctrines; and let us at least have the shortest titles and the simplest assurances which law and practice can prudently sanction. Incident to these will be every cheapness and every expedition of which transactions *in that shape* are capable. We hear indeed that without registration there must be insecurity of title; but I speak to experienced lawyers, and we know that this mischief is absolutely non-existent, or at a minimum so satisfactory that not a score of properly-informed men in the kingdom would be found to favour the introduction of registration of titles for the mere sake of security. No; cheapness and expedition of transfer are the only plausible promises of registration of titles, and I must leave to those able men who will address you on the subject to explain how far and how these promises are likely to be kept. I cannot forget that this apparently very simple system is found, as soon as it is touched, to bristle with important details; that there will to a great extent be an artificial ownership on the register, whilst there must be unregistered dealings with the real interests, that the register will be a record very far short of the truth, and that in transactions not exceeding £300, its promoters hesitate to apply it.

Think, however, as we may,—(and although I venture to predict that we shall never again see the Bill of 1874)—I do not doubt that legislation in favour of registration of titles is imminent, and that nothing but such legislation, and the relentless criticism of practice thereon, will satisfy the public mind, or I would rather say the public appetite. I, for one, am quite ready to see such a measure pass, so that action under it be optional, and that there be power of withdrawal; —but if this big scheme of mapping and book-keeping is to work and is not to be brought into discredit by delay and confusion, there should be provision that (for ten years at least) the registrars should receive no official communication except from qualified legal practitioners, and that there should be district registries. I am aware that it has been said—(by those, I must believe, who whilst they are fascinated with, have no ascertained confidence in, the system),—that without some degree of compulsion it could not succeed, and that the solicitor class would not allow it to do so. My common sense, not less than my sense of justice, repels indignantly the suggestion. The solicitors are neither so strong nor so dishonest as the insinuation implies.

Pass we from this weighty subject, and let us devote a moment to the ladies:—

The private history of Acts of Parliament would in many instances be more interesting than the Acts themselves. One is tempted to speculate on the private history of "The Married Women's Property Act, 1870, Amendment Act." Men were, until 1870, liable for the debts of their wives contracted before marriage, and there had probably been in the lapse of time some bad matrimonial experiences growing thereout. Men had married minus-quantities, and had not approved the equation and resultant. Then came the Married Women's Property Act, 1870, and a wholesale reversal of this law. Had some of our legislators been marrying a liability? and did they, upon the smart, rush ungallantly to this bold departure from old principles? And did it occur to none that males as well as females could be deceivers—could marry and forget their duties? could avoid moral liabilities when they did not happen to be also legal ones? The change was violent, and not too well considered. After four years the legislative mind has repented, and the amending legislation of 1874, if less impulsive, is more statesmanlike. The hardships incident to the old law, and the anomalies introduced by the new, are alike avoided, and the joint stock enterprise of marriage is hereafter to induce limited liability—liability limited to the extent of the lady's assets coming over to the husband, but the Act does not require the addition of the word "limited" to the name or style of connubial partnerships.

Then in the Infants' Relief Act, 1874, we have a fresh effort to protect infants from the consequences of the precocious rashness with which they enter upon their so-called contracts: but whether this or any other step will be sufficient to warn or deter speculating tradesmen or designing money-lenders from pursuing their trade of undue credit and temptation may well be doubted. They will lose more heavily, and will probably seek an average of gain in charging more heavily; and it may well be doubted whether this Act or any such Act will effect much, unless, simultaneously by the sterner verdict of society—by the teaching and discipline and example of our universities and schools, and by the general public voice, it shall be held up and denounced as really shameful, really unmanly, really unworthy for our young men of family and position to spend beyond their means, and to come under degrading squabbles with usurers and inferiors. These things are far too little reprobated: far too little held in abhorrence; and "inexperience" and the excuses it is held to furnish, have come to be almost as much articles and artifices of trade on the one side as the devices resorted to by the swindling class of money-lenders are on the other.

Then we have the Supreme Court of Judicature (Commencement) Act, 1874, so called no doubt—*lucus a non lucendo*—because it was framed to *prevent* the commencement of the Supreme Court of Judicature Act, 1873. One can but lament that it was not found possible to pass in the last session the residuum of legislation due to the completion of the great change which the constitution and action of the Supreme Court of Judicature are to effect. On the other hand, it is of the highest importance that the remainder of the work should before its enactment or its introduction into practice be fully discussed and considered;—and if it was discovered, however late, that the proposed new rules of practice had not, in fact, been exhaustively debated and satisfactorily adjusted—or if, however late, there were reasonable doubt whether the proposed arrangements as to our Appellate Jurisdictions were the best capable of being designed—then far better is it, that no false pride or other reason should put upon us imperfect measures; and we must commend the caution and the candour which saved adjustments of such important character for yet further criticism and debate. You will be glad to know that the proposed Rules of Court will be brought under your notice in a contribution by our friend Mr. Gill, of Liverpool.

Another Act which received the Royal assent after the completion of the report of the Council in July last was "The Attorneys and Solicitors Act, 1874." The Bill for this Act as originally framed, pointed at two only of the three subjects which the Act embraces, viz.,—a relaxation of the too rigid conditions of the Act of 1843, by which articled clerks were absolutely prevented holding any office whatsoever during their apprenticeship, and provision that this Society should have the opportunity of intervening in all applications to a court for striking a solicitor or attorney off the rolls, or for calling on him to answer matters alleged against him. As the Bill progressed, the third subject of the Act, viz., the imposing of a penalty on those who without proper qualification assume to act as qualified legal practitioners, was engrafted into it by the honourable member for Salford Mr. Charley, and readily accepted by the Council.

I hope that in all its provisions the Act will be found useful.

To Mr. Goldney, M.P. for Chippenham, and Mr. Gregory, M.P. for Sussex, both also members of our craft, and acting in unison with our Council, we owe the Colonial Attorneys Relief Act and the Leases and Sales of Settled Estates Amendment Act of the last Session—each a valuable amendment of the law.

I do not know whether Mr. Gladstone's article in the *Contemporary Review* will be accepted as a fortieth article of the Anglican Church and so settle beforehand all questions which might have been brought into litigation under the Public Worship Act, but you should know that by an addition to the Bill made at the instance of the Council, attorneys and solicitors, and not proctors merely, stand admitted to practise in the courts before which such litigation would be carried on.

It certainly is not the fault of our society or its Council that the last session of Parliament closed without amendment or settlement of the law relating to trades fixtures, mortgages of machinery, and bills of sale. This subject was under the careful consideration of the Council before Parliament met for its last session, at the instance of Mr. Bateson Wood. What the Council did, and what the Government undertook in confirmation of past mortgages of trade fixtures and machinery, and what they proposed in respect of future transactions of a similar kind, is told in the Council's report of July. I may add that subsequently to that report the Chancellor's Bill was amended in consequence of suggestions from the Council; but ultimately the Bill was without explanation withdrawn. It will be the duty of the Council, if they find it needful, to urge the Legislature in the next session to settle and amend the present extremely unsatisfactory condition of things.

Very interesting to the legal mind—especially to that which is non-Metropolitan—must be the suggested appointment of a Central Public Prosecutor, to be represented throughout England and Wales by deputies acting for the greater or less districts into which the country is to be divided for the purpose. This question may make its Parliamentary *dëbut* in the next session.

I will venture to affirm that however desirable this change may in theory appear, it will produce no satisfactory result, if those who are to conduct the business be not well selected and well paid. When, therefore, the Judicature Commissioners—to whom we owe so much—point at the justices' clerks throughout the kingdom as the gentlemen who should generally fill the office of Deputy Public Prosecutors, and found this suggestion on the cheapness which would result, I am led to express my strong opinion that considerations of economy ought only in a very subordinate degree to influence legislation on the subject. The duty must be well done—he who is selected for it should be so paid as that efficient men would be tempted to take the office, and, abandoning or subordinating other duties, to find in its proper emoluments a fit remuneration for their intelligent, and their entire, or their sufficient service. And, again, whilst I must be permitted to doubt whether on principle the justices' clerks who to-day advise the bench, and who, not unfreqnently, with great wisdom and utility, guide its decisions, should be the particular persons who to-morrow shall be found acting as public prosecutors, I do entirely indorse the suggestion of the commissioners, so far as it points at the solicitor class as that out of which these officers should be selected. The Procurators Fiscal of Scotland are from the solicitor class, and their enlightened countrymen are satisfied with their service. No one more than myself can be convinced of the *quasi* omniscience which, by statute law at least, descends on the English barrister when he achieves his decennium. No one more than myself can be satisfied that for collecting and arranging evidence, for communicating directly with those who have to supply it, and for preparing the ordinary incidents of a criminal inquiry for satisfactory submission to the tribunal which has to dispose of it, the previous education and habits of the solicitor are far better qualifications than the more highly-soaring, the less practical, the accidental acquirements of the barrister.

If Public District Prosecutors we are to have, the statute which creates the offices should provide that solicitors shall be qualified to fill them. With such legislation, and relying that the principle of public usefulness will determine the actual appointments, we must be content; but we must not be unmindful that the bar, who are likely to be our competitors in the scheme of legislation, and in the qualifications it will require for its officers, are skilled in tongue and pen, are more fully represented in Parliament and nearer than we to the ear of our legislators. I commend this subject to the careful consideration of the profession, and especially of its country members. It is one on which the country societies and country solicitors should more especially take care to form their views, and to communicate them to our Council. Thus we may secure intelligent co-operation in bringing the matured views of our great and influential class to bear on the public mind and on the Legislature.

I invite also suggestions for the proper amendment of the Intestates Widows and Children Act, 1873, passed at my suggestion. I do not recognise my bill in the Act which it pleased the House of Commons to amend and pass. But the principle is there, and with the amendments due to its proper working, and which I hope may in the next session be made, the measure would be useful.

Let us assume that we have now exhausted the legislation of the past session, and the probabilities of the next. Is there any later metropolitan news having privity with the law and lawyers?

You will reflect with interest that whilst few matters have during the recess been more warmly debated, that great legal institution, the Long Vacation, seems not, amongst all our law changes, to be seriously imperilled. The nascent regulations of the Supreme Court recognise it. The bench, the bar, the solicitor, and the client should be here at least unanimous, and are nearly so. There are indeed a few who think its conservation too thorough, and prominently allege desire, by greater invasion of it, to give opportunity to that talent which is too modest, or too raw for development whilst the race is running, and pleads for opportunity on an unoccupied and uncomputed course; forgetting, it would seem, that if the opportunity were created or enlarged, the competitors would be there too, and that the modest and the raw might still be distanced in the race.

Better cause have they who ask that there may in the Long Vacation be lessened restriction on the access of clients to their court-impounded moneys, and of solicitors to their office-bound costs. But in every way fairly consistent with the public interests, let us be careful to preserve the *jucunda oblivia* of the "Long Vacation!"

Other facts to lawyers not impertinent, but rather in days when so much is anticipated from the blending of equity and law, to be regarded as typical and ominous—are to be found in the now visible progress making in the construction of our central law courts. The foundations of this great palace of justice are laid, and the superstructure, which will physically, at least, make the decisions of our courts emanate from one source, is beginning to rise.

Simultaneously Temple Bar elects to retire. Perhaps in shame for what it has seen in the past—perhaps in dread of the imminent novelties of the future? Or, perhaps the spade and pickaxe of progress have drained away such vital moisture as was at the foundation of those dry bones, and this typical obstruction could stand it no longer? At all events, the space between the head quarters hitherto of equity on the north and law on the south of time-honoured Temple Bar is presently to be clearer.

So also, as any of us may be called upon in some great issue of disputed identity, of innocent or criminal motive, of sound or unsound mind, to appreciate the great doctrines of selection and evolution (are the ape, *homo sylvaticus* and civilised men of distinct families, or are they cousins once only or twice removed?), of atomic cohesion—the union of mind and matter, the dominancy of the one or the other, (Is man an agglomeration of irresponsible atoms?), it would have been convenient could there have been a report that our philosophers had, in their autumn discussions, whilst you in your vacation have rambled or sported or slept, set some of these questions at rest:—but this certainly is not the case. I am not the old gentleman who when he overheard the inquiry, "What is mind?" testily interposed with "No matter," and when that answer brought out the further question "What is matter?" sharply added "Never mind," but I confess that in this autumn of ours I decline to sympathise with his impatience.

Newton as his life was closing, said—"I don't know what I may seem to the world, but, as to myself, I seem to have been only like a boy playing on the sea-shore and diverting

myself in now and then finding a smoother pebble or a prettier shell than ordinary, whilst the great ocean of truth lay all undiscovered before me." The philosophers of 1874, assuming to traverse infinity and raise questions not affecting matter only, but the minds and souls of men, seem at last only to have caused a rattle amongst Newton's pebbles and shells, and to have left them and that ocean where they found them. I do not know whether the Priesthood of Science would be satisfied with this account of their work, but at all events I can only advise that we prepare to meet our duties in another Michaelmas term on the basis that the insoluble (by reason) remains unsolved, and that the great laws of human responsibility—religious, moral, and legal—remain the same.

I may congratulate you that the one good passage which Rowland Hill said was, at all events, to be found in respect of all sermons (and I am sure he meant to include all inaugural addresses), the passage *from* the pulpit to the vestry, from the standing to the sitting position, is approaching, but I must not release you without one more allusion to the great functions which our society and which solicitors may and ought to fulfil.

I have little—perhaps too little—concerned myself with what I would call the politics of the profession. It has been my habit to relax an overstrained bow in other fields: but I do not affect to be ignorant that many of those who think and write for and about us are urging upon and expecting from our Governing Body greatly increased energies and action—the promotion of "organic changes," and the like.

I welcome a thoughtful and vigilant constituency, and the Council invite their frank and candid suggestions, but it is needful to bear in mind that our duties are manifold and onerous, and that when, especially, action "in the interests of the solicitor branch" (of which so much is said) is pressed on them, the Council has the duty not of obeying impulse, but of cautiously considering what action with due regard to the mind of the public and of the Legislature is wise.

Especially has it been urged on the Council that public offices properly due to the solicitor class are withheld from them and conferred by statute or selection to the exclusion of solicitors.

This grievance, so far as existing statutes are concerned, will be found really less than has been apprehended, and all new legislation has been and will be carefully watched to prevent extension of it.

But, as a rule, whilst your Council may do something to make offices accessible, the actual appointments will not be obtained except where there shall be fitting intelligence, education, and dignity, and greater comparative aptitude in candidates of the solicitor class.

These are the fitting keys to office.

We have passed from the days when statutes and ordinances spoke of us as nuisances and sought to repress our number. Edward, our Justinian, in an ordinance of 1292, thought seven score (*septies viginti*) of us enough. An Act of Henry VI., proceeding on no flattering recitals, restricted unhappy Norfolk and Suffolk to six attorneys each, and then already flourishing Norwich to two. A statute of James I. sought to reform our "multitudes and misdemeanours," and scarcely a farce or novel of the last century was considered complete without its rascally attorney. These things are, I say, passed, and now we may hold our own amongst and side by side with the worthiest of our time.

Still let us say—improve, deserve; and let us be sure that all we deserve will follow.

But however all this may be, and whether more or less of public offices of honour and profit shall be accorded to us (those of our class who hold them have conferred dignity upon them, and are marked as amongst the best public servants of the day), or whether we must be and remain solicitors only, we may at least, if we are true to ourselves, become entitled to far more real and abiding honour, and may belong to a higher aristocracy than our rulers or society can create. We may, by our individual practice and life, and by each determining to uphold thereby the dignity and stainlessness of the class to which he belongs, cause ourselves to be and to be noted as men of the greatest public usefulness and trustworthiness, charged with functions of the gravest importance to society; and if we perform those functions with modesty, with efficiency, with faithfulness, and under a high and honourable sense of duty, we shall have a consciousness for ourselves and our class beyond all other earnings, and, although *power* we may not have, or title or office, we shall be recognised and regarded as men of influence—and of *influence* made, by the wants of society, wide, and, by its own character and exercise, welcome.

The President was loudly cheered at the close of his address.

The Next Meeting.

A discussion then ensued as to the time and place of next year's meeting, in which several members took part.

Mr. Padgett (Liverpool), on behalf of the Incorporated Law Society of Liverpool, invited the society to hold its next meeting in that town. On the motion of Mr. Rylands (Birmingham), seconded by Mr. W. Ford (London), it was unanimously resolved:—"That this meeting cordially thanks the society of Liverpool for its invitation, and recommends it to the favourable consideration of the Council."

Land Titles and Transfer.

The President then called upon Mr. J. L. Clabon to read a paper on land titles and transfer. He said that as a bill for the registration of titles would probably appear again in the next session of Parliament, it was desirable that they should take the earliest opportunity of again discussing the question, in order that they might approach the authorities with their suggestions, and endeavour to influence Parliament to pass a measure really beneficial to the public. They had always looked at the question with unselfish views, and had considered it as one affecting mainly the interests of their clients. It might be that they would be losers in a pecuniary point of view, but they must be content if the public were clearly and certainly benefited. He thought the general impression amongst them was that their profits would not be lessened; that if the purchaser paid less to his lawyer the costs of the vendor would be proportionately more; that if the bill succeeded transactions would become more frequent, and so they would be gainers; and that if it did not succeed the charges of registration would be added to the existing profit, so that in any case they would hardly be losers. He invited the meeting to consider the way in which the Bill would affect the client, and began by discussing the evils under which the client was supposed to labour. The first of these was that the clients' title was now said to be sometimes insecure. In an experience of more than forty years he (Mr. Clabon) had never known a title attacked but once, and the attack miserably failed; and after having heard the opinion of friends in good practice, he came to the conclusion that the titles of the present day were not insecure. It was also said that land transfer was now too dear, and that there was undue delay. The delays of the present system formed the real evils, and they undoubtedly existed to some extent. The evil was met in towns and in suburban districts in a very simple way, and the Lord Chancellor had recognised the sufficiency and safety of the practice by providing that registration was not to be compulsory as to transactions under £300. He said, in other words, that no evils existed with reference to small matters, and that his bill as to them was unnecessary; nor (said Mr. Clabon) was it necessary in great matters. While the principle of primogeniture remained in force—and long might it continue for the benefit of all—there must be land settlements. The present system operated well. Whether there were registration or no it would continue. While entails remained there must be complication, and registration would not put an end to it. It was in the intermediate transactions that the evil existed—in the delay and consequent expense of the re-investigation of titles already sufficiently looked into. It had been suggested that the adoption by authority of a proper scale of costs would completely meet this; but the question for them to consider was whether registration was the proper remedy. Before discussing the question of registration, Mr. Clabon stated the provisions of the Real Property (Vendors and Purchasers) Act of last session. The Act would limit the length of titles to forty years, shorten

the conditions of sale, and do away with questions as to trust estates. These provisions were useful, and would have some effect in simplifying land transfer. But registration was to be the great agent, and he would deal with it according to the Lord Chancellor's Bill of 1874, which proposed three modes of getting property on the register :—(1) With an absolute title; (2.) with a limited title; (3) as proprietor only. In discussing the question of registration, Mr. Clabon assumed that the third head of registration was to be that resorted to,—the *primâ facie* registration as proprietor. A land owner registered his estate accordingly. He married and settled his estate. The name of a trustee would be put on the register. The beneficial ownership and all its ramifications would remain as charges in equity, only protected by the registration of the trustee, and by *caveat*, like the *distringases* on stocks. Now let a sale be necessary and be made. This no doubt would be simplified to the purchaser by means of the registration, for a few lines of conveyance from the trustee would suffice for him when he had accepted the title; but before the trustee could join there would be a great deal to be done. The *caveat* must be removed, everything of form necessary to a sale must be seen to, every equitable interest must be protected, and then and then only would the trustee execute the conveyance. It would be said that the vendor would gain in this way—the matters being simplified to the purchaser the latter would give more purchase money. Even if this should be so, the costs of the arrangements in order to a sale would be increased to the vendor and he would scarcely be a gainer. It would simply be a little shifting of liability as to costs. Then as to the registration of mortgages and charges, they all knew how easy a thing it was for a man to take his deeds to a banker or a lawyer, and to get an advance on equitable deposit; but if this must be registered, how would it fare with the credit of the merchant or the trader? Guard their register as they might, its secrets must come out to some extent. As to mortgages he could see some possible advantages to a landowner who had fortified himself beforehand by complete registration. His facility for immediate borrowing would be somewhat better than that possessed by the landowners with unregistered title. Coming to what he described as the *crux* of the bill, the compulsory clause, Mr. Clabon said the question considered had been whether registration was for the benefit of the landowners, and what it would be to their interest to do. His conclusion was very clear that registration was not a beneficial thing; and the true remedy had in fact been by the two Acts which Lord Cairns had passed, and would be completed by others of the same class, and by giving a scale of costs. If this had been proved, it followed that registration ought not to be made compulsory. To justify a compulsory clause it should be of universal benefit; but if it be once granted that it would not benefit all, why were those whom it would not benefit to be forced in, and how would their coming in be of service to those who were so benefited? The general sweep of all titles into a register would make a dead-lock of all transfer business, create great delays, and injure every one. This brought them to the question of a central or a district registry, provision for which was made in the bill. This would be comprehensible if the whole scheme were voluntary. If the bill remained compulsory, and district registries were not formed, a building of enormous size must be provided, and an army of assistant-registrars and clerks must be appointed. It seemed clear that if there was compulsory registration there must be district registries. He had so far called registration compulsory, as if there would be an absolute necessity to register, and this logically ought to be so; but the bill did not go so far as this. The transaction was not avoided by non-registry. The bill simply declared that an unregistered conveyance should operate in equity only. The inquiry naturally arose, now that law and equity were about to be amalgamated, what this operation would be. The result might be that all the landed world, disgusted with the expense and delays arising out of the bill, would be content with equitable titles rather than register; and, perhaps, it might be found that equitable titles, under existing legislation, were as safe as legal ones, and it might become the fashion to insert in conditions of sale that an equitable title should be accepted. In this point of view, by no means an improbable one, it would, no doubt, be premature to erect an enormous building and engage hundreds of officials beforehand. If for any reason the compulsory clause should operate as a real compulsion, and the dreaded delay result, how unpopular registration would become! He could even imagine its unpopularity turning the scale at a general election. Would it not, then, be wise to try the measure first as a voluntary one? Why should it ever be made compulsory? If half the world resorted to it, and that was considered a success, he could not understand why the other half who preferred not to resort to it should be compelled to register. But let them deal with this question when it arose. Drop compulsion out of the bill now, and reconsider that part of the matter with the experience which a voluntary scheme would give.

The next paper, read by Mr. E. W. Eyles (London), was entitled "Observations on providing means for preserving results of examination of land titles," in considering which he stated that a distinction should be drawn between altering the law and the practice of it, and that the main defect of the present system consisted in there being no means to record the result of an examination of the title, which had to be gone over again each time the same property was dealt with. He noticed the difficulty which the solicitor experienced in getting the client to consent to waive an examination of the title, and suggested that there should be a public examination of title and registration of the documents, and that such examination should be certified by counsel, or in some cases by a solicitor, the papers so filed to be open only to the inspection of the owner. There should be no compulsion, and the system he recommended was not unlike that adopted in taking out probates of wills.

A paper was then read by Mr. Johnson (Birmingham), entitled "Is it not possible to have registration of title without registration of transfer?" This was a very able paper, and we regret that the space at our disposal prevents our doing anything like justice to it. Among other things, Mr. Johnson commented on the languor displayed by the landowners when Lord Cairns' Bill was under discussion in Parliament, and stated that a mere record of transfer would not satisfy the clamour for what was called free land, and that what was needed was some system to abolish the need of a fresh examination of the title on every transfer, and that there must be some authoritative certification of title. He criticised closely the provisions of Lord Cairns' Bill, and said that the necessities of the case would require the establishment of very numerous local registries, which would have to be supported by the State and by heavy fees. He was opposed to compulsory registration in any form, and summed up his observations on the Bill by urging (1) that the scheme of registration of titles, as embodied in the Land Transfer and Titles Bill, should not be made compulsory until its operation has been tested by experience, and (2) that, concurrently with the establishment of the proposed system of official registration, legislative sanction should be given to some such scheme as he had described in his paper, and which he called the self-registering system.

Mr. George Whitcombe, of the Gloucestershire Law Society, read the next paper, entitled "Registration of Assurances or Registration of Titles—which is most desirable?" Mr. Whitcombe was not an advocate of registration, but if it was inevitable in some form, they should consider what was practicable, and if the alteration proposed was not practicable it was not desirable. He contended that the registration of assurances was practicable, and would meet the alleged evils of the present system, and that the chief requirement was economy, and ease, without injury to innocent parties. He then detailed a system of registration of assurances by having the transfer printed in duplicate and registered with some official in local registries, one part being filed and the other retained by the owner.

At the conclusion of this paper Mr. Clayton (Newcastle), made some observations.

Mr. W. J. Fraser (London) said it was evident that they would have legislation upon the matter again before Parliament, and he therefore thought an endeavour should be made to make such bills as might be proposed as harmless as possible. The best way to do this was to encourage the council in maintaining that any system of registration established should be voluntary and not compulsory, and that any measure of registration ought to be dictated by experience. He therefore proposed :—

"That in the opinion of this meeting any measure for the registration of title to land ought to be tested by experience of its working before provision is made with a view to compelling its adoption, whether by owners generally or by purchasers.

"That in view of the probable reintroduction of a Registration of Titles Bill in the ensuing session, this meeting recommend to the council that they take all such steps as may be available for securing the omission of any provisions similar to the 27th and 49th clauses of the Land Transfer Bill of 1874."

There was not the slightest doubt that if solicitors were combined and united they would have no difficulty whatever in seeing the terms of the resolution carried out, but if they were apathetic, the result would certainly be that any measure adopted would be one of compulsion.

Mr. SHIRLEY (Doncaster) related his experience of a meeting of the Social Science Congress, when Mr. Arthur Hobhouse and others made certain complaints against the present system, which Mr. Shirley stated he was able successfully to combat, and which shewed that, like a good many others, they knew very little of the practical working of the existing system. With regard to the land laws and other laws at the present time, there was an insatiable hungering and thirsting after change. In fact, anything with the word "change" was acceptable before anything else to some people.

Mr. ROSE (London) said that if his friend had to deal with the Social Science Congress he would not have been long in discovering that it was simply a manufactory or exhibition for the display of all the crazy crotchets of the age and of all the crazy people in the world. From a persona' acquaintance with the work of the Jurisprudence Depart ment of the Social Science Congress, he might also add that there was elaborate machinery for the creation of paid places to be given to barristers. He ventured to say that if once they could get properly at the basis of all this insane desire for change, which meant injury and loss to clients, large profits to lawyers, because it meant a bill of costs for each blot in the title, they would find it to be founded on a desire to create paid places for paid officers out of the laws. If the papers which had been read at their meeting during the day could be printed in a simple form, they would afford more information than was possessed among the whole bunch of Lords and Commons put together. He offered as a suggestion that the whole of the papers should be printed at the expense of the society. He suggested the idea of a memorandum being indorsed on the conveyance that the title had been examined and was good; but he had been told by a barrister that there were some valid reasons why this could not be done. He referred to the question of boundaries, and deplored the cost of plans and maps which the contemplated system of registration must involve.

Mr. T. H. BOLTON (London) affirmed that outside the profession a strong wish for a change existed which demand must be met, and that the solicitors must furnish Parliament with reasons for their views, and show that the contemplated system of registration might make matters much worse. The present was an age which required positive legislation, and would not be content with permissive. He did not approve the system proposed of certifying titles either by solicitors or counsel.

Mr. WINTERBOTHAM (Stroud) suggested that there might be voluntary registration with official investigation giving a clear title, and re-registration when the title became involved again. He did not believe that the length of deeds was due to the present mode of remuneration; he was convinced that the solicitor would do his work as well and as completely whether he was remunerated as now or by a scale.

Mr. E. F. BURTON (London) expressed himself pleased with the papers which had been read, which he said had dealt with the subject without reference to any selfish interest. He referred to the difficulty in identifying the parcels which he thought must exist under registration, which he remarked had not been dealt with by any previous speaker. This question was a fatal objection to Lord Cairns' Bill, and he urged that if land was to be dealt with as if it was consols, the land must be made to descend in the same way as personal property. He animadverted on the futility of *caveats* as affording any real protection.

Mr. MARSHALL (Leeds) thought it would have been carcely possible either for Lord Cairns or the draughtsman of the measure to have dealt otherwise with the measure on the face of the report and evidence of the commissioners in 1869. Bearing in mind the fact that the Land Transfer Bill of last session was framed and exclusively designed to carry out the recommendations of the Commission of 1869, he thought it would have been folly to have dealt with the subject in the way some had suggested. There was a part of the resolution, however, to which he should like to call the attention of the meeting, and as nothing, so far as he knew, had been said upon it, he wished that some gentleman in the meeting would express an opinion that the necessity of some actual action should be strongly urged upon the council. The council should not only do as last year, express valuable opinions on matters in cogent and unexceptionable language, but they should also take all ordinary means to effect their purpose. They ought to press the subject upon Members of Parliament, and put that machinery in operation by which, as they knew, the Legislature could only be dealt with.

Mr. BATESON WOOD (Manchester) said the real difficulty in legislating on the subject was in the fact that the members of Parliament were really not informed on the subject, and they could not at once see or appreciate the force of reasons in reference to it. As regarded themselves they saw and at once acknowledged that the interests of the profession must be waived for the interests of the public. By the proposed system of registration, however, there would be established a system of publicity by which it would be absolutely impossible any longer to keep a man's transactions secret.

Mr. LAWRENCE (Cirencester) thought the registration of deeds and titles unnecessary. It would occasion delay and expense, and create what was very objectionable to English landowners—publicity. He believed the best reform they could introduce would be reform on their old lines.

After Mr. LEWIS (Wrexham) had made some remarks,

The PRESIDENT said he thought that the question which had been raised with regard to the policy of the land laws was a question totally apart from that of the policy of altering the modes of transfer.

The resolution was put to the meeting and adopted unanimously.

LOCAL REGISTERIES.

After some discussion, it was unanimously resolved, on the motion of Mr. STANTON (Newcastle), seconded by Mr. NORTH (Wakefield),—

"That whilst this meeting is adverse to compulsory registration, they desire to record their opinion that in case a measure for compulsory registration should be introduced into Parliament, it must make provision for the establishment of local registries, and they request the Council to take action accordingly."

The PRESIDENT, intimating the fact that he would be compelled to relinquish the chair (having engagements in London), a cordial vote of thanks was passed to him on the motion of Mr. ROSE (London).

The meeting then adjourned.

THE SECOND DAY'S PROCEEDINGS.

[Our report of this day's proceedings is condensed from the *Leeds Mercury*.]

The Meetings were resumed on Thursday forenoon. In the absence of the president, Mr. WM. WILLIAMS occupied the chair.

LICENCES TO ASSIGN.

Mr. THOS. COLBORNE (Newport, Monmouthshire) read a paper on "Licences to assign and restraints upon the transfer of leasehold property," which we hope to print next week.

Mr. HILL (Cardiff) said this was a matter which was becoming of great importance and very serious. He moved "That this meeting recommends to the consideration of the Council the subject of covenants against assignment and under-letting without the landlord's consent, and requests them to consider how that subject can best be dealt with so that, whilst all proper protection may be preserved to the landlord, the covenant may not be used oppressively against the tenants."—Mr. PAGET (Liverpool) seconded the resolu-

tion, which, after some discussion, was agreed to.—Mr. BOLTON (London) then moved—"That this meeting is of opinion that the practice of inserting in leases a clause that assignments and under-leases should be prepared by the solicitor of the lessor is highly objectionable, and ought to be discontinued by the profession." The resolution was also adopted.

THE JUDICATURE ACT.

Mr. GILL read a paper on "The Judicature Act of 1873 and the proposed rules." With reference to the latter he said that the proposed rules are understood to be framed by counsel selected from each court whose procedure had to be dealt with, and settled by the judges or a committee of judges of the same courts. Consequently both the framers and revisers of the rules were dealing with practice of which they had a practical knowledge of only one portion, and no one had a common knowledge of the practice of the various branches. The first result of this mode of settling the rules under the Act was a large consumption of time, fifteen months was not sufficient for the purpose, and it was necessary to extend it to twenty-seven. He trusted that they might consider the proposed rules as tentative only, and that the delay given by the Suspension Act of 1874 might be utilised by the reduction of the rules into a more cohesive code, and one that carried out more efficiently and effectually the principles of the Act. The great danger to be avoided under these rules, so long as the courts are separated by their divisions into chancery and common law, seemed to him to be that although nominally subject to the same rules the divisions in reality may apply them differently, and we may see the common law divisions practically ignoring the rules of equity and the chancery division varying the common law procedure now given to it. From the circumstances attending the passing of the Act, it would have been seen that there was a clear understanding that district registries should be established. When they came to look at the rules they found a wide departure. If a writ be issued in a district registry, the defendant must appear in it if he resides or carries on business within the district, but he may at once remove the action to London unless it is practically an undefended one. If the defendant does not reside in the district he may appear in London. If there is more than one defendant, and any one appears in London, then the action is to proceed in London. Any party may apply to the court to remove an action from the district registry to London in any case not otherwise provided for, but there is no power to remove an action from London to a district registry under any circumstances, and only a power for the judge to direct the action to proceed in the district registry where the defendant appearing is only merely a formal defendant, or has no substantial cause to interfere in the conduct of the action. There seemed, therefore, a curious discrepancy between the Act and the rules in this respect. If the Act was to be worked out efficiently, he believed the provinces would do it, and therefore any attempt to restrict the operation of the district registries seriously imperils the success of the measure. The 30th section of the Act provides that sittings in Middlesex and London for the trial by jury of causes and questions or issues of fact shall be held continuously by as many judges as the business to be disposed of may render necessary. When it is remembered that much of the business that at present goes to the equity courts in London will be tried at the sittings in the provinces, it seems clear that at the large centres of business, such as Manchester, Leeds, Newcastle, Birmingham, and Liverpool, the only efficient remedy will be to have one judge sitting, as the 30th section provides for London and Middlesex. He hoped to see in the next session a bill brought in by Lord Cairns to provide for the absorption of the local and county courts, and the establishment of efficient local registries under the Supreme Court; that he would provide those registries with all necessary powers for the transaction of interlocutory business, and for sittings of a single judge as continuously as may be required for the trial of cases. Mr. Gill concluded by reading a series of resolutions upon the subject which he had prepared for the consideration of the meeting.

Several members expressed dissatisfaction that notice had not been furnished previous to the meeting of the intention to discuss such an important question as that of the Judicature Act and rules.—Mr. CLABON (London) proposed an amendment to the first of the resolutions proposed by Mr. Gill, that the propositions be referred to the council of the society for consideration.

After some further discussion, however, Mr. CLABON'S amendment was lost, and it was resolved, on the motion of Mr. GILL, seconded by Mr. W. FORD (London),

"That in the opinion of this meeting it is necessary by future legislation to provide for the absorption of the local and county courts into the supreme court."

The members then adjourned for luncheon, after which the chair was taken by Mr. W. FORD.

The CHAIRMAN, on the members reassembling, read the second resolution:—

"That in the opinion of this meeting it is necessary to provide for the establishment of efficient local registries, and to give the district registrar all necessary powers for the transaction of business therein down to, and including, taxation of costs."

The resolution was adopted by a large majority.

The third resolution was as follows:—

"That in the opinion of this meeting it is necessary to provide more frequent opportunities for the trial and hearing of cases in the provinces, and for this purpose to appoint, if necessary, additional judges."

This was agreed to unanimously.

The fourth resolution was adopted, as follows:—

"That it is the opinion of this meeting that the local requirements of the large towns will not be met by the area of district registries as defined by Order 31, Rule 1."

LEGAL EDUCATION.

Mr. CLABON read a paper on this subject, of which we hope hereafter to give a full abstract.

Mr. SAUNDERS (Birmingham) moved, and Mr. LOWNDES (Liverpool) seconded, the following resolution:—

"That this meeting cordially approves of the provisions of the Bill introduced by Lord Selborne in the past session of Parliament for the establishment of a general school of law in England, and hopes Lord Selborne will prosecute the same in the next session of Parliament; that the Council will use every effort to promote its success; and that the Council be requested to forward a copy to Lord Selborne."

MR. LOWNDES said it was simply wonderful what became of the funds of the Inns of Court. They were eaten in a most unphilosophic and extraordinary way. Any one who had looked at the subject would see that 12 acres of land, situated in the most valuable part of London, ought to furnish a much larger income than £36,000 a year. And yet, for instance, there was not a single barrister who had chambers in Gray's Inn. Members and benchers of Gray's Inn had their business places in the Temple, and this space of three and a half acres only produced £8,000 a year. What became of it? for the Inn only produced half a student per term, as they only called two men on the average per annum.

The resolution was adopted, and it was agreed to refer the remaining papers on the programme to the Council to print along with the papers read. These included papers by Mr. Jevons (Liverpool) and Mr. Shirley (Doncaster), on the subject dealt with by Mr. Clabon, and "The Remuneration of Solicitors," by Mr. Janson (London).

The meeting concluded with votes of thanks to the Leeds Incorporated Law Society and the other members of the profession; for their hospitable reception; to the local committee of the society for their great exertions in securing the success of the meeting, particularly to Mr. Marshall, the hon. sec.; to the several gentlemen who had contributed so many valuable and able papers; and to the president and members of the Philosophical Society for granting the use of the hall.

THE BANQUET.

On Wednesday evening the President and the members of the Incorporated Law Society were entertained at a banquet at the Great Northern Station Hotel, Leeds, by the President (Mr. Bond) and the members of the Leeds Incorporated Law Society. Mr. BOND occupied the chair and was supported by Mr. Bircham, the Mayor of Leeds (Ald. Marsden), Mr. Beckett Denison, M.P., Sir Andrew Fairbairn, Mr. Daniel, Q.C., Mr. W. St. James Wheelhouse, M.P., Mr. Edward Baines, Serjt. Tindal Atkinson, Mr. W. Bruce, Mr. Ald. Rylands (Birmingham), and Mr. Turner

(County Court Judge for the Richmond and Darlington District). The vice-chairs were occupied by Mr. T. Marshall and Mr. Nelson.

The CHAIRMAN, after giving the usual loyal toasts, gave "Prosperity and perpetuity to the Incorporated Law Society." The English bar, of which he was glad to see so many present, had always been strong when they had been united. Unfortunately such had not always been their case, and although a more numerous and more widely diffused body throughout the country, until this society was formed attorneys and solicitors had scarcely a rallying point, and might almost have been described as a body without a head. They were, therefore, deeply indebted to those gentlemen who inaugurated and carried into effect the formation of the society. But it was thought that it was almost too metropolitan, and many of the provincial practitioners (among whom he must confess to have been one) thought, rightly or wrongly, that their interests and their feelings scarcely met with that amount of consideration at the hands of the governing body to which they thought they were entitled. Accordingly a new society, the Metropolitan and Provincial Society, was called into existence, mainly to represent the country practitioners, and they would remember that one of their fundamental provisions was that they should hold an annual meeting in one of the principal towns of the provinces. For the first time now, they were able to say that they were a thoroughly united body. If ever there was a feeling between town and country practitioners he hoped that now it was fast disappearing. That which those who had taken part in the proceedings of the day had heard and seen, and which those who stayed would see and hear, would prove that their provincial gatherings were not a mistake. If time permitted he thought he could have pointed out several advantages which their incorporation was likely to confer upon the body of attorneys and solicitors in Leeds and elsewhere. Their local society was a little one it was true, but they offered a hearty Yorkshire welcome, and they gave them a similar welcome to come again. He coupled the toast with the name of the President of the Incorporated Law Society of the United Kingdom.

The PRESIDENT, who was received with loud applause said that when he remembered the state of legal education forty years ago he thought with great pride that the solicitors of this country were the first branch of the profession that took a right step towards improving their own legal education; and, if he might be permitted to say so, in the presence of so many members of the bar, in setting an example which they had scarcely adequately followed. In 1836 they were a really efficient examining and teaching body, and the examining, &c., had been continued to the present time in a state of efficiency of which they might well be proud, both as regarded examinations and teaching. They thanked the Leeds members and their friends most heartily for their reception and cordial hospitality. Having paid a high compliment to the Secretary of the Incorporated Society (Mr. Williamson), the President earnestly solicited the attention and support of the profession in aid of the Solicitors' Benevolent Fund.

Ald. RYLANDS (Birmingham) proposed "The town and trade of Leeds," coupled with the health of the Mayor. It was in Leeds their meetings originated, and where papers were first read and discussion followed. In Leeds was born the Legal Education Association, which had now arrived at such great proportions, and here too there had been some of the most shining ornaments of their branch of the profession. None in the profession could forget such names as Hope-Shaw and Eddison.

The MAYOR acknowledged the compliment.

Sir ANDREW FAIRBAIRN proposed "The Houses of Parliament," coupled with the name of Mr. Beckett-Denison, M.P.

Mr. BECKETT-DENISON responded.

Mr. M. BATESON WOOD (Manchester) proposed "The Bench and the Bar," to which Mr. DANIEL, Q.C., and Mr. WHEELHOUSE, M.P., responded.

The other toasts were "The Country Law Societies," proposed by Mr. CLABON, and responded to by Mr. PAGET, and "The Chairman," proposed by the PRESIDENT.

LAW STUDENTS' DEBATING SOCIETY.

The society will resume its meetings after the Long Vacation on Tuesday evening next, at the Law Institution, Chancery-lane. The following question is appointed for debate:—"No. 544, legal. Is a husband entitled to curtesy out of lands settled to the separate use of his wife?"

ARTICLED CLERKS' SOCIETY.

A meeting of this society was held on Wednesday last, Mr. Jerrold Joseph in the chair, the first subject for the evening's debate being, "A., by will, gives the income of his real and personal estate to B. for life, with remainder to his (B.'s) heirs. B. survives A. and dies intestate; is the heir entitled to the personal estate? The motion was lost by a majority of four. The second subject—viz., that part of the examination of the Incorporated Law Society should be *viva voce*, was carried by the casting vote of the chairman.

BRISTOL ARTICLED CLERKS' DEBATING SOCIETY.

The first meeting of this society for the session 1874-75 was held in the Law Library on Tuesday evening, October 6th. Henry Brittan, Esq., solicitor, took the chair, and opened the session with an address to the members. The subject for the evening's discussion was "Should railway companies and other carriers of passengers be liable to an unlimited extent for the acts of their servants?" The voting was in favour of the affirmative.

OBITUARY.

MR. E. FREESTONE.

The death of Mr. Edward Freestone, solicitor, took place at Norwich on the 11th inst., at the age of seventy-two years. He was the youngest and last surviving son of Mr. Anthony Freestone, of South Elmham, St. Margaret's, near Bungay, where he was born in the year 1802. Having received his early education at Mr. Brewer's school at Norwich, he was articled to the late Mr. Crabtree, solicitor, of Halesworth, and was admitted an attorney in 1825. He then commenced practice both at Norwich and Bungay, but after a time gave up his office at the latter place, and resided and practised at Norwich only. A few years ago he admitted Mr. J. C. Copeman into partnership with him, and on his retirement from the firm that gentleman succeeded to the practice. One of Mr. Freestone's sisters was married to the late Dr. Lindley, the eminent botanist, and was the mother of Mr. Nathaniel Lindley, Q.C.

MR. JAMES READ.

Mr. James Read, solicitor, of Mildenhall, Suffolk, died on Tuesday last. Mr. Read was admitted in 1818, and had practised for many years at Mildenhall and Brandon. He was Registrar of the County Court at Mildenhall, and was also (jointly with his son and partner Mr. James Read, junior) clerk to the Mildenhall Highway Board, to the Commissioners of the Mildenhall Fen District, and to the trustees of the Mildenhall, Lakenheath, and Hockwold Turnpike roads.

THE NEW REGISTRIES OF THE COURT OF PROBATE AND DIVORCE.

The bulk of the records which accumulate in the registry of the Court of Probate naturally increases in proportion to the national growth in wealth and prosperity. The copies of the wills for the year 1383 are contained in a volume two inches thick; now the copies for a single year fill twenty huge tomes of six inches thick, each weighing half a hundredweight. About ten thousand "town" wills are registered annually, and in addition copies of about 17,000 country wills are filed every year in the metropolitan registry. To the consideration of scanty space was added the argument of the inconvenience of the situation in relation to the Court of Probate sitting at Westminster, and for every reason the arrangement was wise and ad-

visable that the registry and its archives should be moved westward to Somerset House, in default of the once anticipated accommodation in the New Courts of Law buildings. The wills are being conveyed from Doctors' Commons to Somerset House with the utmost care. They are packed in locked baskets, which are carried in covered vans, each accompanied by a responsible person. The baskets when discharged are at once carried into the new strong-room, and there unpacked, and the parchments are immediately refiled and stowed away in order by careful and experienced officials, on the shelves on which they are to remain permanently. The wills of most recent date, and the books in which all the wills from the commencement are registered, are removed first, with a view to meet the convenience of the public by rendering it possible to open the new search-room at an earlier date than if the older wills, which are less frequently asked for, had received the precedence which their greater age might claim. The portion of Somerset House which the registry will occupy is that on the river-front recently vacated by the Admiralty. The wills are being stored in a long gallery which has been fitted up—indeed, reconstructed—for the purpose under the terrace which runs parallel to and overlooks the Thames Embankment. It is sufficiently removed from the river to obviate any danger of injury from damp to the valuable archives which it is to contain, and the officials regard it as a receptacle extremely well adapted in every way for its new purposes. The iron shelving which was in use in the Doctors' Commons registry has been removed and re-adjusted here, resulting in an economy of some £15,000. The room which is to be devoted to the public examination of wills is a large, handsome room, conveniently fitted up for its special purpose, and is an immense improvement on the old cramped and gloomy search-room. It is on the ground-floor of the side of the inner quadrangle of Somerset House, opposite to the Strand entrance, and the doorway leading into it will be found exactly opposite the archway opening into the courtyard from that thoroughfare. The registry will open the doors of its new abiding-place to the public on the 24th inst., and until then expectant legatees and suspicious relatives must possess their souls in patience, since the Knightrider-street office was finally closed on Monday.—*Daily News.*

LEGAL ITEMS.

The town council of Middlesborough have decided upon appointing a stipendiary magistrate.

Mr. J. Francis Henry Jeune and Lord Francis Hervey, barristers, have been elected Fellows of Hertford College, Oxford.

It is stated that the Commission on the Master and Servant Act and the Criminal Law Amendment Act will resume its sittings within a fortnight.

Dr. Kaye, one of the revising barristers of Dublin, has decided in favour of the claim of the residents in Trinity College to be admitted to the lodger franchise.

The question of the removal of the Monmouth Quarter Sessions from Usk to Newport was decided upon on Tuesday. The sessions will as heretofore be held at Usk.

The Standing Orders of the House of Commons for the next session have been issued. Petitions with particulars are to be deposited at the Private Bill Office on or before the 21st of December, and estimates by the end of that month.

A lecture on the proposed Rules of court under the Judicature Act is announced for delivery by Professor Cutler at King's College, London, on Wednesday next, at seven p.m. Free admittance is offered to those interested in the subject on presentation of visiting card.

Thursday last (22nd) was the day fixed by the town council of Exeter for the election of a town clerk in the place of the late Mr. Moore. The council have fixed the salary at £700 a year, the clerk to be a practising solicitor, and the salary to include all business except conveyancing, leases, &c. (for which a scale is to be fixed), and cases where the council may deem additional remuneration expedient.

The Lord Mayor, in adjudicating on the charge of assault preferred by Mr. Labouchere against Mr. Abbott, is reported by the *Standard* to have laid down the law as follows:—"Whether one gentleman was in bodily fear or not of another, this sort of thing was undignified, and could not be allowed. They might fight in each other's offices, and pull each other's noses, or any proceeding of that kind; but it must be in private, and not in the street."

PUBLIC COMPANIES.

GOVERNMENT FUNDS.

LAST QUOTATION, Oct. 23, 1874.

3 per Cent. Consols, 92⅞	Annuities, April, '85 9⅞
Ditto for Account, Nov 92⅞	Do. (Red Sea T.) Aug. 1908
3 per Cent. Reduced 91½	Ex Bills, £1000, 2½ per Ct. 1 dis.
New 3 per Cent., 90½	Ditto, £500, Do 1 dis.
Do. 3½ per Cent., Jan. '94	Ditto, £100 & £200, 1 dis.
Do. 2½ per Cent., Jan. '94	Bank of England Stock, 5 per Ct. (last half-year), 252
Do. 5 per Cent., Jan. '73	Ditto for Account.
Annuities, Jan. '80 —	

INDIAN GOVERNMENT SECURITIES.

Ditto 5 per Cent., July, '80 109½	Ditto, 5½ per Cent., May, '79 101½
Ditto for Account, —	Ditto Debentures, per Cent April, '64 —
Ditto 4 per Cent., Oct. '88 102	Do. Do. 5 per Cent., Aug. '73 100½
Ditto, ditto, Certificates, —	Do. Bonds, 4 per Ct., £1000
Ditto Enfaced Ppr., 4 per Cent. 94⅜	Ditto, ditto, under £1000
Ind. Enf. Pr., 5 p C., Jan. '72	

RAILWAY STOCK.

	Railways.	Paid.	Closing Price
Stock	Bristol and Exeter	100	121
Stock	Caledonian	100	92
Stock	Glasgow and South-Western	100	98
Stock	Great Eastern Ordinary Stock	100	40
Stock	Great Northern	100	139
Stock	Do., A Stock*	100	156¼
Stock	Great Southern and Western of Ireland	100	108
Stock	Great Western—Original	100	112⅝
Stock	Lancashire and Yorkshire	100	142½
Stock	London, Brighton, and South Coast	100	85¼
Stock	London, Chatham, and Dover	100	22⅜
Stock	London and North-Western	100	148½
Stock	London and South Western	100	114
Stock	Manchester, Sheffield, and Lincoln	100	72
Stock	Metropolitan	100	66½
Stock	Do., District	100	29⅝
Stock	Midland	100	135⅝
Stock	North British	100	63
Stock	North Eastern	100	166½
Stock	North London	100	111
Stock	North Staffordshire	100	64
Stock	South Devon	100	63
Stock	South-Eastern	100	111¼

* A receives no dividend until 6 per cent. has been paid to B.

MONEY MARKET AND CITY INTELLIGENCE.

No change was made on Thursday in the Bank rate. The proportion of reserve to liabilities has risen from 35·75 last week to 36·40 this week. The railway market was steady at the close of last week and at the commencement of this week, but it soon relapsed into dulness. On Thursday the market was reported to show more firmness, but on the receipt of a telegram from the secretary of the Midland Company stating that the report as to the withdrawal of that company's proposal in regard to second-class fares was unfounded, a sharp reaction ensued, and the marke closed with lower prices. There has been some flatness in the foreign market, ascribed to the general impression that money will shortly be dearer. There was an improvement, however, on Thursday. Consols closed on Thursday 92¾ to ⅞, and for the account 92¾.

Messrs. George Burnand & Co. are authorised to receive subscriptions for £200,000, in 2,000 First Mortgage Bonds to bearer, of the Little Rock Bridge Company, of £100 sterling each, the price of issue being £87 10s. per £100 Bond. The prospectus states that the Little Rock Bridge Company is authorised by Special Act of the Congress of the United States to construct a Bridge for railway and ordinary highway traffic across the Arkansas river, at the city of Little Rock, a right only conferred by Congress, which has sole control over the four great rivers of the United States—viz., the Mississippi, Arkansas, Ohio, and Missouri. By the above Special Act of Congress the Bridge and its approaches are declared to be a national post road, and the affairs of the company are thus placed under the control and jurisdiction of the Supreme Court of the United States. The same Act of Congress provides that the Bridge shall be constructed in accordance with plans which hav

been submitted to and approved by the Secretary for War of the United States, under whose supervision, on behalf of the Government, the work of construction is placed. The bridge, 1,080 feet in length, will be the connecting link between the railway system east of the Mississippi river, and that of the states and territories of the South-west, at a point on the direct highway where crosses a large part of the great and increasing railway and highway traffic moving to the South-west, and the cattle and products of the South-west moving eastward. The bonds will be redeemable at their par value by twenty-two annual drawings, commencing in 1877.

MR. DANIEL, Q.C., ON IMPRISONMENT FOR DEBT.

At the Skipton County Court, on Thursday week the judge, Mr. W. T. S. Daniel, Q.C., during the hearing of an application for commitment, remarking on the indiscretion of some tradesmen in allowing their poorer customers to get deeply into debt, said he had lately been in Scotland, and one of the objects of his visit was to ascertain whether it was true or not that the necessity for imprisonment for debt did not exist in Scotland. He found this to be the case, and that there is no remedy whatever, either by imprisonment or attachment of wages, against a workman who earned no more than 20s. weekly. He found that in Scotland the shopkeepers did not keep shop-books; the customers had to pay for everything over the counter, as the shopkeepers would not allow anything to go away without payment. The consequence was, not that the working men did not get what they wanted, but that there was less drunkenness and more providence among Scotchmen. The English system of credit was supposed to be necessary so long as the law remained as at present. It was a great evil both to the shopkeepers and working men. The representations which had been made to the Committee of the House of Commons respecting the favourable working of Scottish law were to a great extent true, and there was really a vast difference between the law of Scotland and that of England. If a workman's wages were above 20s. in Scotland, and he was in debt, the creditor had the power of attaching the wages until the debt was paid off. In England the power once existed under the Common Law Procedure Act, but various protestations by employers of labour, and the workmen themselves, who rebelled against it, forced the Government to repeal the power of attaching wages. In Scotland it existed, although there is evidence that it is seldom resorted to. The person who gave him the information said that the working of the system was simple and efficient. In cases in which the workman, clerk, or servant, received more than twenty shillings per week and he contracted debts which he did not pay, he knew perfectly well the creditor could go at any time to the employer and get the wages attached. The debtor felt in peril of losing his situation should this step be taken against him. Although it was seldom resorted to in Scotland, and only resorted to when absolutely necessary, yet the process was so simple and efficient that no power of imprisonment was given, unless the debt amounted to £8 6s. 8d. When a debtor is imprisoned, the creditor can detain the man in prison only by keeping him there at his own expense. He could see no reason why such a system should not be adopted in England, if only wages could be attached, and it would bring this result—it would make the jurisdiction as little burdensome as possible to the public. He had endeavoured to point out to all shopkeepers in his circuit that it was to their interest not to give credit. To a great extent the effect of this was that last year the number of judgment summonses and commitments had been reduced. He hoped to hear of a still further reduction at the end of this year. Tradesmen could not do better than cease their present system of giving indiscriminate credit when there was no necessity for it. Doubtless there were cases where debtors could pay and would not. Only a few days previously at Burnley a man applied for a commitment, saying the debtor could pay but would not. He asked the creditor if he were willing to deposit £3 to send the man to prison. He was satisfied from what the creditor said that the debtor could pay and would not, and especially when the creditor offered to deposit the money required, asserting that it was a wilful refusal to pay. But whether the debtor paid or went to prison he had not since ascertained.

COURT PAPERS.

NOTICE TO SOLICITORS.

There will be no attendance of the judge at chambers on Wednesday, the 28th October instant.

L. L. PEMBERTON, Registrar in Vacation.

Chancery Registrar's Office, Oct. 21, 1874.

MARRIAGES.

CARTWRIGHT—BRAMELD—On Oct. 15, at the parish church, Sneinton, Notts, William Thomas Cartwright, solicitor, Nottingham, to Mary Isabel Brameld.

GREEN—NEWTON—On Oct. 21, at All Saint's, St. John's Wood, by the Rev. H. S. Eyre, Vicar, George Sangster Green, of Lincoln's-inn, barrister-at-law, younger son of the late Isaac Green, Esq., of Upper Tulse-hill, to Caroline, youngest daughter of Henry Charles Newton, Esq., of 29, King Henry's-road, South Hampstead.

LONDON GAZETTES.

Professional Partnerships Dissolved.

FRIDAY, Oct. 16, 1874.

Fowler, John S , and Joseph Carruthers, Attorneys at Law, Liverpool. Sept 1

Winding up of Joint Stock Companies.

FRIDAY, Oct. 16, 1874.

LIMITED IN CHANCERY.

Alhambra Music Hall Company, Portsmouth, Limited.—V.C. Hall has, by an order dated Sept 16, appointed John Young, Fokenhouse yard, to be official liquidator. Creditors are required, on or before Nov 15, to send their names and addresses, and the particulars of their debts or claims, to the above. Nov 30, at 12, is appointed for hearing and adjudicating upon the debts and claims.

London and County Tramways Company, Limited.—Petition for winding up, presented Aug 1, directed to be heard before V.C. Hall, on Nov 6. Tocque, Aldermanbury, solicitor for the petitioners.

People's Coal and Colliery Company, Limited.—Petition for winding up, presented Oct 10, directed to be heard before the M.R., on Nov. 7. Farr and Co, Bedford row, agents for Dibb and Raley, Barnsley, solicitors for the petitioners.

TUESDAY, Oct. 20, 1874.

LIMITED IN CHANCERY.

Manor Silkstone Coal Company, Limited.—Petition for winding up, presented Oct 13, directed to be heard before V.C. Malins, on Nov 6. Pitman and Lane, Nicholas lane, agents for Chambers and Son, Sheffield, solicitors for the petitioners.

Creditors under 22 & 23 Vict. cap. 35.

Last Day of Claim.

TUESDAY, Oct. 13, 1874.

Abbott, John, Ospringe, Kent, Farmer. Dec 1. Tassel and Son, Faversham

Ashbee, Henry, Colkins, Kent, Farmer. Dec 1. Tassel and Son, Faversham

Bemish, John, High st, Putney, Plumber. Dec 31. Cooper and Reeve, Bedford row

Best, Hon and Rev Samuel, Abbott's Ann, Southampton. Jan 1. Beachcroft and Thompton. King's rd. Bedford row

Brown, Hannah, Fulford, York. Dec 1. Thompson, York

Brunt, Josiah, Leek, Stafford, Silk Manufacturer. Dec 1. Hacker and Allen, Leek

Edwards, John, Volindre, Montgomery, Farmer. Nov 20. Jones, Welshpool

Evans, Jenkin, Hemingford rd, Barnsbury, Oil and Colour Man. Dec 8. Lawrence, Waterloo place, Pall Mall

Goold, Thomas Blucher, Red Lion square, Schoolmaster. Nov 20 Holland, Bedford row

Hall, John, Coventry, Warwick, Hotel Keeper. Dec 9. Dawes and Sons, Nuneaton

Harris, Lydia, St Mary's rd, Peckham. Nov 10. Hacon, Fenchurch st

Hills, Thomas, Epping, Essex. Nov 17. De Boos, Epping

Ingo, Elizabeth, Gateshead, Durham. Nov 20. Hopper, Newcastle-upon-Tyne

Leake, General Robert Martin, Oxted, Surrey. Nov 1. Gale, Cheltenham

Leaper, John, York, Beverley, Gent. Dec 2. Thorney, Kingston-upon-Hull

Marshall, Jane, Horncastle, Lincoln. Nov. 28. Clitherow, Horncastle

Millen, Henry, Lynsted, Kent, Hay Dealer. Dec 1. Tassell and Son, Faversham

Moore, Anne, Preston, Lancashire. Dec 1. Cattley and Fryer, Preston

Morshead, William, Bisland, Cornwall, Esq. Dec 1. Spence, Bryan

Nalton, John, Copmanthorpe, York, Gent. Dec 1. Thompson, York

Northen, William, Harvard rd, Chiswick, Potter. Dec 5. Robinson, Gresham House, Old Broad st

Parsons, Mary, Weston-super-Mare, Somerset. Nov 30. White and Co, Great Marlborough st

Robinson, William, Lower Park rd, Peckham, Manager. Nov 6. Holmes, Clement's lane, Lombard st

Royston, Emma, Cambridge. Nov 12. Wayman, Cambridge

Sellers, Jacob, Ashton-upon-Ribble, Lancashire, Cotton Spinner. Nov 14. Cotman, Preston

Shepherd, William, Lower Tunstead, Lancashire, Merchant. Jan 12. Wright, Bacup

Smith, John, Keelby Manor, Lincoln, Farmer. Dec 1. Hett and Co, Brigg
Steele, Thomas, Kingston-upon-Thames, Grocer. Nov 12. Carr, Mildrop's court, Poultry
Stent, William, Marlborough rd, High st, Peckham, Gent. Nov 30. Garret, Doughty st
Templer, Henry Augustus, Mountfield, Dorset, Gent. Nov 2 Templer, Bridport
urner, Samuel, Leigh Sinton, Worcester, Farmer. Nov 21. Smith, Ledbury

FRIDAY, Oct. 16, 1874.

Biddle, Ayres William, Walton, Warwick, Farmer. Dec 1. Hannay and Haymes, Leamington
Blake, William Hans, Captain H.M.S. Druid. Nov 5. Henrietta Blake, Martin's place, Trafalgar square
Brookfield, William, Shrewsbury, Salop, Gent. Dec 10. Wace, Shrewsbury
Castle, William Langford, Lymington, Southampton, Admiral. Nov 14. More and Jackman, Lymington
Cheeseman, Mary, Hambledon, Surrey. Dec 1. Mellersh, Godalming
Davis, Charles, Pontymoil, Monmouth, Grocer. Nov 7. Williams and Co, Newport
Daws, Thomas, Surrey, Ripley, Farmer. Nov 21. Ley, Carey st, Lincoln's inn
Dennett, Ann, Lymington, Southampton. Nov 14. Moore and Jackman, Lymington
Dillon, William Edward, Surgeon, H.M. Navy. Nov 8. Hallett, St Martin's place, Trafalgar square
Gill, Edward, Torquay, Devon, Esq. Jan 1. Hooper and Wollen, Torquay
Halsall, Robert, Liverpool. Oct 31. Bartley, Liverpool
Hamer, James, Liverpool, Gent. Dec 15. Hill, Liverpool
Inglis, George, Greenwood rd, Dalston rise, Esq. Dec 1. Sewell and Edwards, Gresham House, Old Broad st
Jackson, James, Sutton, Macclesfield, Chester, Gent. Dec 5. Hand, Macclesfield
Johnstone, Frederick Hope, Lieut H.M.S. Princess Charlotte. Nov 10. Hallett, St Martin's place
Lindsay, Robert, Berkhamstead St Peter, Hertford, Gent. Nov 9. Shugar, Tring
Loah, William, Newcastle-upon-Tyne, Merchant. Dec 1. Fairfoot and Webb, Clement's inn
Menlove, Edward, Southport, Lancashire, Gent. Dec 1. Norris and Sons, Liverpool
Morgan, Thomas Alfred, Irongate Wharf, Paddington, Contractor. Nov 20. Mead and Son, Jermyn st, St James's
Moore, Henry, Two Mile Ash, Sussex, Farmer. Nov 12. Burney, Borough High st
Nicholson, William, Hexham, Northumberland, Grocer. Nov 17. Batey
Norton, John Howard, Nantglas, Carmarthen, M.D. Dec 1. Johnson, Llanelly
Ridsdale, Joseph, Minories, Brassworker. Nov 30. Walker and Battiscombe, Beaufort buildings, Strand
Rouse, John, Little Compton, Gloucester, Retired Farmer. Dec 1. Saunders, Chipping Norton
Sanigger, William Fegier, De Crespigny terrace, Camberwell, Gent. Dec 10. Cowtard, Lincoln's inn fields
Silcock, George Johnson, Phœnix st, Somers Town, Licensed Victualler. Dec 9. Holmes, Eastcheap
Smith, Jane, South Lambeth rd. Nov 14. Moore and Jackman, Lymington
Stewart, Susan Katharine, Bryanston square. Nov 23. Meynell and Pemberton, Whitehall place
Sutcliff, Robert, Bradford, York. Nov 24. Browning, Bradford
Valiotton, Susanna, King's rd, Chelsea. Nov 20. Mead and Son, Jermyn st, St James's
Walker, Alexander, Gravesend, Kent, Brewer. Nov 30. Cheesman and Lake, Gravesend
Wonnacott, John, Drummond st, Euston square, Organ Builder. Nov 14. Moore, George st, Euston rd

TUESDAY, Oct 20, 1874.

Baker, Charles, Stratford, Lancashire, Gent. Dec 31. Allen and Co, Manchester
Birchall, Elizabeth, Preston, Lancashire. Dec 1. Ascroft, Preston
Blaxland, John, Kingsdown House, near Sittingbourne, Esq. Nov 20. Tucker and Lake, Serle st, Lincoln's inn
Burstall, Abraham, Camden cottages, King's rd, Camden Town, Gent. Nov 20. Sawbridge, Milk st, Cheapside
Burstall, Sarah, Cheriton House, Haverstock hill. Nov 20. Sawbridge, Milk st, Cheapside
Carthew, Thomas John Sprackling, York st, St James'ssquare, Plumber. Nov 3. Sawbridge Milk st., Cheapside
Corbin, James, Lymington, Southampton, Chemist. Nov 16. Moore and Jackman, Lymington
Day, Alfred, City rd, Auctioneer. Nov 14. Hayne, City rd
Drabble, John, Rotherham, York, Gent. Dec 1. Potter and Co, Rotherham
Elwell, Henry, Lichfield, Esq. Jan 31. Allen, Birmingham
Fothergill, Thomas, Kingthorpe, York, Esq. Nov 30. Noyes, Broadsanctuary, Westminster
Fowler, William, Eldersfield, Worcester, Gent. Nov 28. Bretherton' Gloucester
Harvey, James, Regent st, Jeweller. Dec 1. Wheatly, New inn Strand
Hedges, Thomas, Walsall, Stafford, Licensed Victualler. Jan 31. Wilkinson and Gillespie, Walsall
Hunter, Frank, Bacup, Lancashire, Accountant. Jan 14. Wright, Bacup
Jaynes, Edwin, Hucclecote, Gloucester, Gent. Nov 28. Bretherton, Gloucester
Lawrence, Thomas, Woodstock rd, Poplar. Gent. Nov. 23. Marsh, Pen court, Fenchurch st
Leaf, William, Old Change, Esq. Dec 24. Carr and Co, Basinghall st
Loscom, Elizabeth, Bath. Dec 1. Stone and Co, Bath
Lythall, Richard, Stratford-upon-Avon, Warwick, Gent. Dec 10. Lane, Stratford-on-Avon
Meachum, Richard, Northwarnborough, Hants, Basket Maker. Dec 1. Lamb and Brooks, Odiham
Millingen, John, otherwise Milano, Kennington rd, Ballet Master. Nov 30. Everill, Poet's corner, Westminster
Milne, John, Newbey, Rochdale, Lancashire, Farmer. Nov 14. Roberts and Son, Rochdale
Moorehouse, Samuel, Cheadle Heath, Chester. Nov 16. Reddish and Lake, Stockport
Morris, Norman, Ford, Surrey. Nov 16. Lefroy, Robert st, Adelphi
Piper, Edward, Thomas st, Kennington, Carpenter. Nov 24. Sharp and Co, Southampton
Richmann, Diedrich, Nauheim, Germany. Nov 20. Crump, Philpot lane
Round, Daniel George, Edgbaston, Birmingham, Esq. Dec 31. Allen, Birmingham
Smith, Thomas, Bradford, York, Engine Tenter. Nov 5. Halliday, Bradford
Storey, Thomas Bland, Glatton, Huntingdon, Farmer. Dec 15. Greene and Mellor, Huntingdon
Sturgeon, Susannah, Cambridge. Nov 24. Fetch and Jarrold, Cambridge
Taylor, Esther, Lower Ogden, Rochdale, Lancashire. Nov 14. Roberts and Son, Rochdale
Taylor, Sophia Putterill, Holland rd, Kensington. Nov 16. Willoughby, Lancaster place, Strand
Thackeray, Thomas, Dukinfield, Chester, Esq. Nov 28. Buckley, Stalybridge
Thomas, Samuel Massey, Amhurst rd, Hackney, Warehouseman. Nov 30. Sawbridge, Milk st, Cheapside
Thorpe, Thomas, Aylesbury, Buckinghamshire, Grazier. Nov 12. Fell, Aylesbury
Tyerman, Charles Rich, Ladbroke grove, Notting Hill, Esq. Nov 30. Pearce, Abchurch chambers, Abchurch yard
Walters, William, Haverfordwest, Banker. Nov 30. Davies and Co, Haverfordwest
Walton, Henry, Colchester, Essex, Merchant. Nov 21. Turner and Co, Colchester
West, John, Green lanes, Stoke Newington, Nurseryman. Nov 28 Gregory, Clement's inn, Strand
Wynniatt, William, Stoke, Gifford, Gloucester, Yeoman. Dec 1. Fry and Co, Bristol

Bankrupts.

FRIDAY, Oct. 16, 1874.

Under the Bankruptcy Act, 1869.

Creditors must forward their proofs of debts to the Registrar.

To Surrender in London.

Greer, Frederick Henry, Regent st, Publisher. Pet Oct 13. Roche. Oct 27 at 1
Guttman, Alphonse, Phillip lane, Addle st, Warehouseman. Pet Oct 13. Roche. Oct 27 at 12.30

To Surrender in the Country.

Ball, J D Barrow-in-Furness, Lancashire, Eating house Keeper. Pet Oct 13. Postlethwaite. Ulverston, Oct 27 at 10
Caldwell, George, Atherton, Lancashire, Grocer. Pet Oct 13. Holden. Bolton, Oct 28 at 11
Goldby, Richard, Wigan, Lancashire, Tobacconist. Pet Oct 12. Woodcock. Wigan, Nov 4 at 12
Griffiths, Ebenezer, Oldham, Lancashire, Watchmaker. Pet Oct 12. Tweedale. Oldham, Oct 28 at 12
Hutchinson, William, North Urn, Durham, Farmer. Pet Oct 9. McKenzie. Sunderland, Oct 28 at 12
Mayor, John, Liverpool, Provision Dealer. Pet Oct 13. Watson. Liverpool, Oct 29 at 2
Reed, Thomas Benjamin, Birchington, Kent, Builder. Pet Oct 13. Callaway. Canterbury, Oct 30 at 2

TUESDAY, Oct. 20, 1874.

Under the Bankruptcy Act, 1869.

Creditors must forward their proofs of debt to the Registrar.

To Surrender in London.

Coleman, James, Warrender rd, Junction rd, Holloway. Builder. Pet Oct 16. Roche. Nov 5 at 11

To Surrender in the Country.

Barber, Harriet Cufande, Southtown, Suffolk, no occupation. Pet. Oct 16. Walker. Great Yarmouth, Nov 10 at 12
Burn, George, Leeds, Hotel Keeper. Pet. Oct 14. Marshall. Leeds, Nov 11 at 11
Featherston, John, Mansfield, Nottingham, Grocer. Pet. Oct 17. Patchitt. Nottingham, Nov 3 at 12
Gamage, Deodatus Richard Carr, Hope Mansell, Hereford. Pet. Oct 15. Davis. Hereford, Nov 6 at 11
Hole, George, Leeds, out of business. Pet. Oct 14. Marshall. Leeds, Nov 11 at 11
Johns, William, St Austell, Cornwall, Grocer. Pet. Oct 16. Chilcott. Truro, Oct 31 at 3
Pickman, Samuel, Manchester, Shirt Manufacturer. Pet. Oct 15. Kay. Manchester, Nov 5 at 9.30
Sparks, Robert, Norton Fitzwarren, Somerset, Grocer. Pet. Oct 17. Meyler. Taunton, Oct 31 at 2

BANKRUPTCIES ANNULLED.

TUESDAY, Oct. 20, 1874.

Fellows, Charles John, Great Wyrley, Stafford, Brickmaker. Oct 16

Liquidation by Arrangement

FIRST MEETINGS OF CREDITORS.

FRIDAY, Oct 16, 1874.

Auty, John, Dewsbury, York, Confectioner. Oct 30 at 2 at offices of Fryer, Church st, Dewsbury
Bennetto, James, Swansea, Glamorgan, Draper. Oct 29 at 11 at offices of Brown and Collins, Worcester place, Swansea
Bi ton, George, Northampton place, Upper Holloway, Oilman. Oct 24 at 2 at 9, Lincoln's inn fields. Marshall

Binney, William Thomas, Kingston-upon Hull, Corn Merchant. Oct 28 at 3 at offices of Summers, Manor st, Kingston-upon-Hull
Bracegirdle, Thomas, and Henry Bracegirdle, Cranage, Cheshire, Farmers. Nov 2 at 1 at the Mitre Hotel, Manchester. Murray, Southport
Brown, Thomas, West Hartlepool, Durham, Timber Measurer. Oct 28 at 11 at offices of Simpson, Church st, West Hartlepool
Brown, William, Stockport, Cheshire, Shoemaker. Nov 3 at 2 at the Clarence Hotel, Spring gardens, Manchester. Newton
Bruce, James, Bootle, near Liverpool, Commission Merchant. Nov 2 at 2 at offices of Gibson and Bolland, South John st, Liverpool
Carruther, Robert, Hambledon, Hants, Corn Factor. Nov 3 at 11 at offices of Pike, Commercial rd, Landport
Carter, Charles James, Gresham st, Lithographic Printer. Oct 27 at 11 at offices of Nethersole, New inn, Strand
Chambers, James, Sheffield, Iron Agent. Oct 26 at 2 at offices of Broomhead and Co, Bank chambers, George st, Sheffield
Childs, George, Hatch Beauchamp, Somerset, Miller. Oct 28 at 3 at the Mermaid Hotel, Yeovil. Davies, Sherborne
Cooper, Henry James, Kingston-on-Thames, Surrey, Blacksmith. Nov 9 at 12 at offices of Poole and Hughes, New square, Lincoln's inn
Craven, Hartley, Cleckheaton, York, Slater. Oct 28 at 2.30 at the Mirfield Station Refreshment-rooms. Iberson
Cullins, Andrew, Whitehaven, Cumberland, Tailor. Nov 3 at 12 at offices of Atter, New Lowther st, Whitehaven
Davis, Samuel, Blaenavon, Monmouth, Bootmaker. Nov 4 at 12 at offices of Watkins, Pontypool
Donaghy, Laurence, Liverpool, Licensed Victualler. Oct 28 at 11 at offices of Quelch, Dale st, Liverpool
Ealand, William, Kingsland rd, Ironmonger. Oct 29 at 3 at offices of Bowen and Fry, Paternoster row. Munton and Morris, Lambeth hill
Ferrier, William, Minster, Kent, Butcher, Oct 28 at 3 at 1 York st, Ramsgate. Edwards
Flint, Henry, jun, Sunderland, Auctioneer. Oct 26 at 2 at offices of Joel, Newgate st, Newcastle-upon-Tyne
Gittins, James, Brierley Hill, Stafford. Assistant Overseer. Oct 28 at 11.30 at offices of Homfray and Holberton, High st, Brierley Hill
Godfrey, Mary Fairthorne, Wantage, Berks, Brick and Tile Maker. Oct 27 at 12 at offices of Jotcham, Newbury st, Wantage
Goodfellow, Thomas, Macclesfield, Chester, Licensed Victualler. Oct 28 at 2 at offices of Hand, Church side, Macclesfield
Hainsworth, Joseph, Leeds, Cloth Manufacturer. Oct 28 at 2 at offices of Bond and Barwick, Albion st, Leeds
Harding, Samuel, Caledonian rd, Cheesemonger. Oct 27 at 1 at offices of Lewis, Wilmington square
Harvey, George Richards, The Grove, Hammersmith, Gent. Oct 29 at 3 at offices of Lewis and Co, Old Jewry
Hayter, William, Albert terrace, Turnham Green, Bootmaker. Oct 27 at 3 at offices of Marshal, King st, West Hammersmith
Heald, Ralph, Preston, Lancashire, Builder. Nov 6 at 2 at offices of Blackhurst, Fox st, Preston
Henrys, Richard, Maesteg, Fruiterer. Nov 3 at 1 at offices of Lewis, Bridgend rd, Maesteg
Hill, James, Nottingham, Cab Proprietor. Oct 30 at 12 at offices of Parsons, Wheeler gate, Nottingham
Hopkins, Frederick Charles, Bury St Edmunds, Broker. Nov 16 at 12 at the Inns of Court Hotel, Holborn. Gross
Jacquier, William Squire, Bath, Accountant. Oct 28 at 11 at 1, Queen square. Dyer
Jeffery, William, Burdett rd, Bow, Grocer. Oct 27 at 2 at offices of Sharp, Gresham st
Knowles, John, Runcorn, Cheshire, Draper. Nov 4 at 3 at the Patten Arms Hotel, Warrington. Ashton and Garratt, Runcorn
Lauton, Thomas, Birmingham, Wire Tinner. Oct 28 at 3 at offices of Baker, Cannon st, Birmingham
Lovings, Frederick Charles, Weybridge, Surrey, Gasfitter. Nov 5 at 4 at offices of Cogswell, Railway Approach, London Bridge. Rashleigh, St George's rd, Peckham
Manners, Aspdin, Smethwick, Stafford, Commission Agent. Oct 28 at 10.15 at offices of Wright, Church st, Oldbury
Martin, William, Manchester, Baker. Oct 30 at 4 at offices of Best, Brown st, Manchester
May, John William, Exeter, Cordwainer. Oct 31 at 10.30 at the Barnstaple Inn, Iron Bridge, Exeter
Panks, Sherringham, Auckland rd, Roman rd, Bow, Builder. Nov 6 at 3 at offices of Green, Queen st
Pardoe, Herbert, Bognor, Sussex, Solicitor. Oct 28 at 2 at 93, Edgware rd. Webb, Brighton
Parker, James, Nantwich, Cheshire, Confectioner. Oct 28 at 3 at the Lamb Hotel, Nantwich. Martin, Nantwich
Pearce, Edward, Salisbury, Wilts, Upholsterer. Oct 29 at 12 at the London Tavern, Bishopsgate st. Golwin, Winchester
Perrott, James, Northam, Hants, Engineer. Oct 22 at 12 at offices of Guy, Albion terrace, Southampton
Phillips, John, Cheltenham, Gloucester, Carpenter. Oct 31 at 10.30 at offices of Boodle, Bedford buildings, Cheltenham
Platt, Sarah Ellen, and Sarah Horrocks, Bolton, Lancashire, Milliners. Nov 18 at 3 at offices of Dutton, Acres field, Bolton
Plummer, Arthur, Staines, Middlesex, Corn Merchant. Oct 30 at 3 at offices of Ashby, Clement's lane
Plumridge, Henry, Grange walk, Bermondsey, out of employ. Oct 30 at 1 at 1, Duke st, Bloomsbury, Shakespear
Reinhold, Herman Adolph, Wells st, Oxford st, Sewing Machine Manufacturer. Nov 2 at 2 at offices of Howse, Staple inn, Holborn. Morris, Staple inn
Rolfe, Frederick William, Margate, Kent, Baker. Nov 2 at 12 at the Edinburgh Hall, High st, Margate. Moss, Margate
Sanderson, Francis Bradley, Manchester, Importer of Cigars. Oct 30 at 3 at offices of Sutton and Elliott, Brown st, Manchester
Simmons, Hubert, Windsor, Berks, Coal Dealer. Oct 30 at 10.30 at the Railway Hotel, Slough. Wright, Queen Victoria st, Mansion house
Smith, John, Nottingham, Watchmaker. Nov 2 at 2 at offices of Page, jun, Flaxen gate, Lincoln
Smith, William, Bridlington, York, Chemist. Oct 28 at 11 at the Station Hotel, Newcastle-upon-Tyne. Cooper, Bridlington
Speight, William, Crook, Westmorland, Yeoman. Nov 6 at 11 at the Board Room, Market Place, Kendal. Thomson and Wilson, Kendal
Stockdale, Thomas, Halton, near Leeds, Grocer. Nov 3 at 3 at offices of Granger, Bank st, Leeds
Styles, Charles, Cheltenham, Gloucester, Fly Proprietor. Oct 31 at 3 at offices of Boodle, Bedford buildings, Cheltenham
Taylor, John Garnett, Coventry, Innkeeper. Nov 3 at 2 at the County Court Office, Coventry. Horner
Thomas, David Thomas, Pontlanfraith Mynyddyslwyn, Monmouth, Woollen Manufacturer. Oct 29 at 11 at offices of Games, Struet, Brecon
Thurn, Conrad, Old Kent rd, Baker. Oct 26 at 3 at offices of Hicklin and Washington, Trinity square, Southwark
Vernon, John, Swansea, Glamorgan, Tailor. Oct 28 at 12 at offices of Smith and Co, Somerset place, Swansea
Warrington, Henry, Sheffield, Butchers' Steel Manufacturer. Oct 29 at 11 at the Cutlers' Hall, Church st, Sheffield. Rodgers and Co
Webb, Edward Charles, Sheffield, Surgeon. Nov 2 at 3 at offices of Binney and Sons, Queen st chambers, Sheffield
Wheeler, Jacob Wilson, Harborne, Stafford, out of business. Oct 26 at 10.15 at offices of East, Colmore row, Birmingham
Williams, Robert, Cheshire, Stonemason. Oct 21 at 3 at offices of Nordon, Bridge st row East, Chester